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Wild Free-Roaming Horse and Burro Program Guidance

January 1983

Wild Free-Roaming Horse and Burro

Program Guidance

January 1983

Department of the Interior
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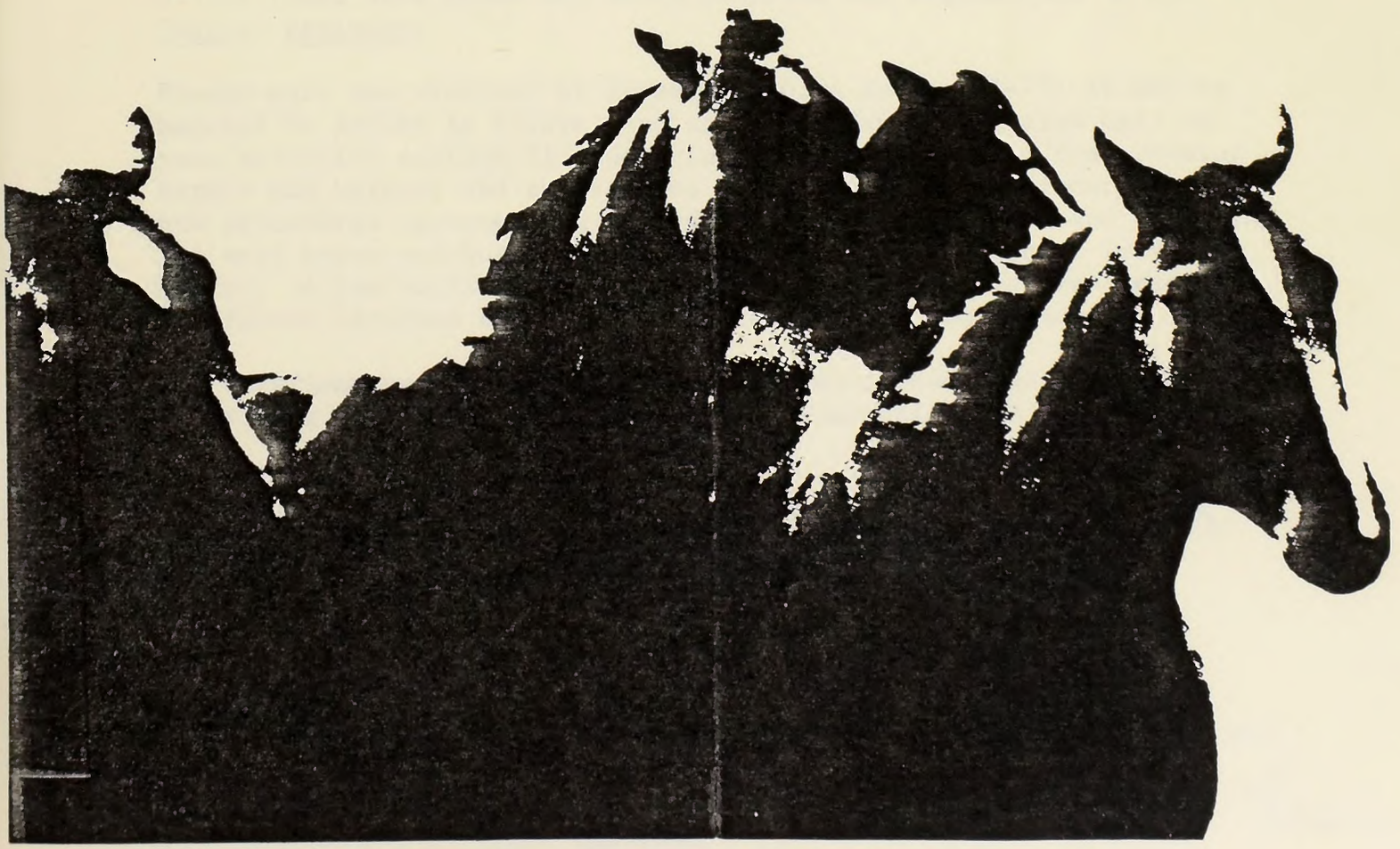

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IN REPLY REFER TO:

United States Department of the Interior

4700 (250)

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

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1983

January 24, 1983

Instruction Memorandum No. 83-289
Expires 9/30/84

Bureau of Land Management
Library
Bldg. 50, Denver Federal Center
Denver, CO 80225

To: All Field Officials

From: Director

Subject: Wild Horse and Burro Program Guidance

As the wild horse and burro program has evolved, needs for alterations in previously issued guidance, more detailed instructions, and the integration of new concepts have become apparent. The enclosed guidance statement consolidates the Bureau of Land Management's response to these needs, and provides basic guidance for the preservation, protection, management, and control of wild free-roaming horses and burros.

To ensure consistency and increased cost-effectiveness in implementing the program, all field officials are expected to become familiar with these procedures. Except for instructions regarding the destruction of excess animals for which no adoption demand by qualified individuals exists, all procedures are to be implemented immediately. The moratorium on the destruction of healthy excess wild horses and burros established in Instruction Memorandum No. 82-298, Change 1 (dated March 31, 1982), remains in effect until 30 days after publication of the final wild horse and burro adoption fee regulations in the Federal Register.

Please note the Glossary of Terms beginning on page 1-73; it may be helpful to review it before reading the guidance. We also call to your attention section II concerning management of wild free-roaming horses and burros; and subsections VI.E. and F., which incorporate new procedures implementing the adoption fee regulations and utilizing the wild horse and burro user representative at the Denver Service Center. A few sections of the guidance statement have been reserved for future issuance and will be released in the coming months.

Any questions regarding the guidance statement should be directed in writing to the Director (250) or by telephoning FTS 653-9215.

James M Parker
Associate Director

1 Enclosure:
Encl. 1 - Wild Horse and Burro Program Guidance Statement (128 pp)

7/11/84 Changes 1 and 2 have been interfiled.

IN REPLY REFER TO:
4700 (250)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

March 22, 1983

Instruction Memorandum No. 83-289, Change 1
Expires 9/30/84

To: All Field Officials

From: Director

Subject: Wild Horse and Burro Program Guidance

We have updated the Wild Horse and Burro Program Guidance to incorporate changes in adoption fees that were effective March 4, 1983; to add procedures on notifications of escape, theft, or death of adopted animals; and to incorporate use of an identification number in correspondence with Denver Service Center concerning applicants or adopters. The following pages should be removed from Instruction Memorandum No. 83-289, and the enclosed replacements inserted:

Enclosure 1-7 and 1-8	Enclosure 1-67 and 1-68
" " 1-51 and 1-52	" " 1-81
" " 1-53 and 1-54	" " 1-83
" " 1-55 and 1-56	" " 1-89
" " 1-57 and 1-58	" " 1-91
" " 1-59 and 1-60	" " 1-97 and 1-98

The moratorium on destruction established by Instruction Memorandum No. 82-298, Change 1, dated March 31, 1982, remains in effect until further notice. Continuing the moratorium provides an opportunity to publicize the changes in adoption fees and to adopt those animals presently on hand.

Any questions regarding the above changes should be submitted to the Director (250), (FTS 653-9215).

Deputy Director for Lands and Renewable Resources

1 Enclosure:
Encl. 1 - Replacement Pages (20 pp)

IN REPLY REFER TO:

4700 (250)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

August 29, 1983

Instruction Memorandum No. 83-289, Change 2
Expires 9/30/84

To: All Field Officials

From: Director

Subject: Wild Horse and Burro Program Guidance

Several revisions have been made in the Wild Horse and Burro Program Guidance to issue new guidelines on the use of aircraft and motor vehicles, to provide information on a new freeze mark repair service, to reflect the requirements of the American Horse Protection Association, Inc., et al. v. Watt, et al. settlement terms (see Information Memorandum No. 83-290), and to reflect the organizational change transferring jurisdiction over Bureau of Land Management activities in Kansas from the Wyoming State Office to the Colorado State Office.

Pages to be removed from Instruction Memorandum No. 83-289 (as revised by Change 1) are:

Enclosures 1-5 and 1-6
Enclosures 1-7 and 1-8
Enclosures 1-33 and 1-34
Enclosures 1-37 and 1-38
Enclosures 1-41 through 1-124

These pages are replaced by the following:

Enclosures 1-5 and 1-6
Enclosures 1-7 and 1-8
Enclosures 1-33 and 1-34
Enclosures 1-37 and 1-38
Enclosures 1-41 through 1-129

Pages with substantive changes have been labeled "Revised August 1983." The other pages have been revised only to reflect new page and illustration numbers.

Please make certain appropriate staff members become familiar with these new requirements, particularly as they relate to large scale and power of attorney adoptions. Any questions concerning the new guidance should be submitted to the Director (250), FTS 653-9215.

Deputy Director for Lands and Renewable Resources

1 Enclosure:
Encl. 1 - Replacement Pages (97 pp)

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I. The Wild Free-Roaming Horse and Burro Program.

A. Purpose. This document describes the policies and procedures that guide the preservation, protection, management, and control of wild free-roaming horses and burros on public lands administered by the Bureau of Land Management (BLM).

B. Objectives. The objectives of the wild free-roaming horse and burro program are to preserve wild free-roaming horses and burros on public lands as symbols of our heritage and enhance the diversity of life forms; to protect wild free-roaming horses and burros from illegal capture, branding, harassment, or death; to manage wild free-roaming horses and burros as components of the public lands in a manner that maintains or improves the rangeland ecosystem; and to provide humane care and proper treatment of wild horses and burros.

C. Definitions. See Glossary of Terms.

D. Consultation. Public Law 92-195, as amended, requires consultation with government at all levels, interested organizations, and individuals that have scientific expertise or special knowledge about wild horse and burro protection, wildlife management, and animal husbandry. To obtain meaningful interaction, it is necessary to include coordination, cooperation, and implementation as part of the consultation process.

1. Government. Local, State, and Federal governmental agencies having responsibility for management of land, humane care and treatment of animals, or management of wildlife must be consulted on a regular basis.

a. Local. Subjects of consultation with agencies at the local level include monitoring the treatment of adopted animals, compliance reports, and enforcement of humane ordinances.

b. State. Responsibilities of agencies at the State level may be both animal and land related.

(1) Wildlife. Agencies with responsibilities that include management should be consulted about the impact of wild horses and burros on water, food, and cover requirements for wildlife and to seek their recommendations for minimizing or eliminating conflicts.

(2) Domestic Animals. Consultation about ownership of horses or burros not protected by Public Law 92-195, control of communicable disease, transportation of animals across State boundaries, and the humane treatment of animals should occur with State agencies having responsibility for domestic animals.

(3) Land. Agencies that manage State controlled lands should be consulted about the size and location of wild horse or burro herds that may use State controlled lands, water, and forage as part of their habitat.

c. Federal. When wild horses or burros utilize as part of their habitat lands under the administration of other Federal Agencies, consultation with those Agencies is also required.

(1) Forest Service. Having the identical authority and responsibility for wild horses and burros as BLM, the Forest Service must be consulted about all policy and procedural aspects of the program. There are many subjects that should be explored jointly to be more cost-effective in the use of equipment, facilities, and personnel in the management, protection, and control of wild horses and burros. Consultation with the Forest Supervisor and District Ranger before, during, and after inventory, planning, monitoring, removals, disposal, compliance, and issuance of title will contribute to an efficient and well-managed wild horse and burro program.

(2) Other Federal Agencies. Wild horses and burros may utilize as part of their habitat lands set aside as national parks, wildlife refuges, military reservations, Indian reservations, etc. Consultation with Agencies that administer these lands should cover such points as formalizing in writing the use of such lands, size of herd, methods of control, habitat improvements, and access.

2. Organizations. A number of organizations have an interest in the management, protection, and control of wild horses and burros. Consultation with organizations concerned with horses and burros, other livestock, wildlife, and humane care and treatment of animals can provide valuable insight into potential issues surrounding the program and provides the opportunity to resolve those issues at an early stage.

3. Individuals. Technical assistance and advice in managing wild horses and burros can be obtained through consultation with individuals recognized as experts in such fields as equine nutrition, medicine, behavior, physiology, and animal husbandry. Consultation with scientists who have conducted research in the areas of range management, wildlife management, and wild horse and burro management can provide valuable information and assist in determining methods to resolve current problems. Insight into the day-to-day and seasonal habits of wild horses and burros can be obtained from consultation with ranchers or other individuals who frequently observe wild horses and burros.

E. Use of Volunteers. BLM Manual 1114 provides overall procedures and guidance for the use of volunteers. Many opportunities for using volunteers exist in the wild horse and burro program that would reduce costs and provide meaningful experiences for the participants. Careful

consideration must be given so that assignments for volunteers do not place them in hazardous situations, law enforcement actions, or situations involving collection of fees or similar financial transactions. Depending on knowledge, experience, and training, volunteers may be used in inventory and habitat improvement projects; feeding and handling captured excess animals being made available for adoption; reviewing adoption applicants' qualifications; preparing responses to public inquiries on the adoption program; and compliance activities (see section VII.D.). Offices seeking volunteer assistance in wild horse and burro program activities should publicize the opportunities available, qualifications and required work conditions, and schedules for the assignments. In addition, the authorized officer should notify citizen groups and organizations to request their assistance in recruiting volunteers. Acknowledgements of volunteers' services should be made, including issuance of certificates of appreciation and letters of recommendation outlining the specific work accomplished, its value to the program, and an evaluation of the experience gained by the volunteer.

II. Management Considerations.

A. Purpose. This section provides guidance for managing wild horses and burros on the public lands.

B. Objectives. The objectives are to maintain and manage populations of wild, free-roaming horses and burros as recognized components of the public land environment, in balance with their habitat and other resource uses.

C. Land Use Planning.

1. Identification and Analysis of Issues. Issues to be resolved in the planning process are identified through an internal analysis of management needs and through public involvement. In areas with wild horse and burro populations, planning should address: the locations where wild horses and burros will be maintained; how many will be managed; what species of animals will be maintained; what special characteristics (if any) will be maintained; what management intensity is appropriate; what provisions for public access are needed; and what constraints on other programs are required.

2. Analysis of the Management Situation. An analysis of the management situation in the wild horse and burro program must include animal distribution on December 15, 1971 (date of passage of the act) as well as current numbers and distribution. In formulating alternatives for analysis in the grazing environmental impact statement, the "no action" alternative incorporates the present situation of wild horse and burro population levels and distribution.

3. Development of Planning Criteria. Planning criteria are developed to guide the formulation of management alternatives, to aid in the evaluation of the potential impacts of each, and to identify additional inventory needs. In wild horse and burro management, attention must be given to developing criteria that address the adequacy of existing resource allocations, compatibility of horse and burro use with other resource uses, and the reliability of existing data on animals and the habitat. For example, a criterion for resolving an issue on wild burro distribution might be that instances of competition for habitat between burros and threatened or endangered wildlife species be resolved in favor of the wildlife species. For another example, a criterion addressing forage allocation among livestock and wild horses could be that existing numbers of each be used as a starting point for monitoring utilization, and that reductions required be apportioned on a proportional basis by animal unit.

4. Constraints on Management. The intensity of wild horse and burro management activities is constrained by several legal, administrative, and biological considerations.

a. Minimum Feasible Level of Management. Public Law 92-195, as amended, requires that management of wild horses and burros be at the minimum feasible level. This requirement is interpreted to mean the minimum amount of management action that will allow BLM to meet the objectives and resolve the conflicts identified in land use plans and activity plans.

b. Limitations on Distribution of Wild Horses and Burros. The regulations (43 CFR 4730.5) provide that wild horse and burro management be limited to lands where herds existed when Public Law 92-195 was enacted (December 15, 1971).

(1) Wild Horse and Burro Distribution on December 15, 1971. Because of the constraints on distribution, a basic component of the data base for wild horse and burro management is a delineation of the yearlong habitat of the animals that inhabited public lands on December 15, 1971. Because the exact boundaries of herd areas may never be known in some cases, and because disagreement and confusion on the subject can be expected until firm herd area delineations are made, each district must seek to resolve the question in an objective manner. An intensive effort should be made to seek documentation that would support a delineation of herd area boundaries, and to incorporate these herd areas into the land use plan. This decision is a crucial one for all future efforts in wild horse and burro management, including setting of population levels and disposition of excess animals.

(2) Delineating Herd Areas When Distribution is Unknown. In cases where no objective determination about herd areas can be made by analyzing the information available, the authorized officer may elect to address the question of 1971 herd areas by planning area. That is, if a planning area is known to have supported wild horses or burros in 1971, that planning area may be characterized as a herd area. Conversely, if horses or burros are not known to have existed within a planning area, the planning area may be excluded on that basis. The application of this method of determining herd area boundaries should be limited to situations where information is so sparse that any determination of actual herd area boundaries as of December 15, 1971, is impossible. It does have the advantage that comes from management boundaries being coincident with administrative boundaries; the drawback is that administrative lines on a map seldom coincide with biologically viable habitat boundaries.

c. Limitations Related to Jurisdiction of Federal Lands. Wild free-roaming status applies to horses and burros that use public lands under the administration of BLM or the Forest Service as all or part of their habitat. In determining the status of animals for management purposes, all unbranded and unclaimed horses and burros inhabiting herd areas that include such public lands are considered to be wild free-roaming animals, regardless of the extent of home ranges of individual horses or burros.

(1) Forest Service. BLM and the Forest Service are charged jointly in Public Law 92-195 with the protection, management, and control of wild horses and burros. In this context, all management activities affecting herds of wild horses or burros that inhabit adjacent or common public lands must be coordinated with the appropriate Forest Service official. When possible, the management of such herds is addressed in single activity plans, with the management responsibility of each Agency outlined.

(2) Other Federal Agencies. Horses or burros whose home ranges on Federal lands are exclusively under the administration of Agencies other than BLM or the Forest Service are not protected by Public Law 92-195, as amended; however, such Agencies may choose to manage these animals under other authority.

(3) Effect of Change in Administration of Federal Lands. The effect on wild free-roaming horses and burros of changes in administrative jurisdiction over Federal lands comprising their habitat was addressed in a recent Solicitor's opinion. Wild free-roaming status and protection under the act are no longer applicable to animals in cases where:

(a) Public lands providing the full habitat for herds of wild horses or burros are withdrawn or otherwise transferred from BLM administration; or

(b) Previously withdrawn Federal lands which have provided a portion of the herd area are fenced, enclosing horses or burros and preventing their return to public lands.

d. Intermingled Private Lands. Public Law 92-195, as amended, requires that the Secretary remove wild free-roaming horses or burros from private lands upon request by the landowner. Interpretation of this provision by the courts has been that State fencing and estray laws do not apply in these situations, thus voiding the effect of 43 CFR 4750.3 which requires legal fencing of private lands. Therefore, before public lands with extensive or scattered inclusions of private lands are identified for herd management, an objective analysis must be made of their suitability for wild horse and burro management, and of the impacts on the private resources involved. In areas that have been identified in the land use plan for herd management, consultation with the affected landowners must be undertaken, with

the objective of reaching written agreement for use by wild horses and burros of the private lands and resources. Proposed levels of use by wild horses and burros and the term of the agreement must be specified. If such agreement is not attainable, the area may not be suitable for herd management; this does not preclude reestablishment of herds at a later date if the conflicts can be resolved. In any case, areas with scattered land patterns and multiple ownerships should be given a low priority for expenditure of funds and effort in improvement work and activity planning, because long-term tenure of herds on such areas cannot be insured.

e. Uses of Adjacent Private Lands. Certain uses of private lands (i.e., residence, intensive agriculture) are incompatible with use of adjacent public lands by wild horses and burros, if the probability of conflicts precludes management of the animals in a truly wild and free-roaming state. Such areas should be given low priority for herd management.

5. Decisions That Result From the Land Use Plan.

a. Population Size. The appropriate management level of wild horse or burro use for the planning area is established in the land use plan, and is expressed in terms of the median numbers of adult animals to be maintained by herd management area. This level of use is the basis for all resource allocations concerning wild horse and burro populations.

(1) Description of Populations. To insure a uniform approach in characterizing herds and in allocating resources, wild horse and burro populations are described in terms of animals 2 years old and older. This criterion is meaningful because 2-year-old animals:

(a) May be presumed to be breeders in consideration of effective population number;

(b) Usually have not lost affinity with the band into which they were born;

(c) Have survived the period of highest mortality, and thus are very likely to survive through several breeding seasons and contribute to the social structure of the herd on a long-term basis; and

(d) May be presumed to characterize the average animal in terms of forage selection and rate of consumption.

(2) Considerations in Setting the Appropriate Management Level. In determining the number of wild horses or burros to be maintained in a herd management area, consideration must be given to population limits which are not only practical, but biologically sound.

(a) Wild horse and burro populations are normally maintained at levels below the maximum carrying capacity of the herd area because of allocations to other uses, consumptive and nonconsumptive. Even on ranges designated exclusively for wild horse or burro use, numbers must be controlled at a level compatible with long-term maintenance of the habitat. Therefore, the cyclic behavior characteristic of wild animal populations and associated processes of selection will be muted.

(b) A lower limit on wild horse and burro populations must be set which will not only insure year-to-year survival of the herd, but which will also promote the maintenance of healthy, vigorous animals. In this determination, considerable weight must be given to the potential for and the effects of inbreeding in small populations. Inbreeding in mammal populations has been shown to have deleterious effects on survival, reproduction, growth rate, and adult size. The possible effects of inbreeding are compounded in animals such as wild horses, in which (1) fewer than all the adults normally participate in breeding, and (2) the breeding structure is polygynous.

i. The decline in offspring quality resulting from inbreeding is referred to as inbreeding depression, and includes fecundity depression (likelihood of sterility and poor mothering performance); viability depression (increased failure of offspring to survive to breeding age); and sex-ratio depression (a decrease in the percentage of females born). The ultimate fate of small inbred populations is nearly always extinction, due to the cumulative effects of these declines.

ii. Decisions on minimum population size for herd management purposes must be made in terms of effective population number (Ne), which is a function of the sex-ratio among adults which participate in breeding:

$$Ne = \frac{1}{\frac{1}{4\ Nf} + \frac{1}{4\ Nm}}$$

Where Nm is the number of breeding males and Nf is the number of breeding females. In a breeding population of 50 males and 50 females, the effective number is 100. However, if the ratio of breeding females/males is skewed to 7:3, the effective number drops to 72; at 9:1, it is

only 36. These examples demonstrate the situation in wild horses, where the social structure of breeding animals is based on the harem; even with interchange of females among established stallion-dominated bands, the effective size of a population is smaller than its census size.

iii. The application of effective population number to animals such as horses is demonstrated by Ian Robert Franklin, 1980. "Evolutionary Change in Small Populations," in Conservation Biology, M.S. Soule and B.A. Wilcox (eds.). The author suggests a minimum effective number of 50 to insure survival of a genetically viable population (avoidance of inbreeding depression).

iv. To illustrate this concept, consider a herd with an average band size of six adults, and therefore, a sex ratio among breeding animals of 5:1. The effective number of the band is found as follows:

$$Ne = \frac{1}{\frac{1}{4(5)} + \frac{1}{4(1)}} = 3$$

That is, the effective size of the herd is 3/6 as large as its census size. It follows that to provide an effective number of 50 as suggested, a census size of 100 adults is needed.

v. Such a requirement on minimum population size could be relaxed significantly by the introduction of unrelated animals; in widely dispersed herds, this implies periodic physical relocation of specific animals.

b. Locations for Management. The land use plan must delineate the public land areas where wild horses and burros will be managed, either as one component of consumptive use or as the primary use.

(1) Herd Areas. Herd areas collectively represent the maximum distribution of horses and burros in a planning area. Care must be taken in their delineation to include the entire area used by the animals under extremes in weather and resource conditions, so that biologically viable management units result. Each herd area is given a name descriptive of the geographic area involved (e.g., Toano Herd Area).

(a) Decisions to remove wild horses and burros from herd areas may be appropriate if horse or burro management is found to be incompatible with planned uses of the area such as intensive grazing management, recreational development, or maintenance of critical wildlife habitat. Removal may also be appropriate from herd areas too small to support populations of acceptable effective size, unless provision is made for periodic relocation of animals into the herd (see section II.C.5.a.(2)).

(b) Although wild horses and burros may be totally removed from herd areas, the areas retain their status as herd areas. This assures that a record of potential wild horse and burro distribution is maintained, and allows for future reestablishment of herds, should the present resource conflicts be eliminated or allocations revised.

(2) Herd Management Areas. Herd areas identified for maintenance and management of wild horses or burros through decisions resulting from the land use planning process, including public involvement, are delineated as herd management areas.

(3) Wild Horse or Burro Ranges. Herd management areas may be further identified as wild horse or burro ranges, based on the requirements in 43 CFR 4730.5. Because ranges are devoted primarily to the protection and preservation of wild horses or burros, other uses must be constrained to the extent necessary to provide fully for their welfare. This means, for example, that conflicts between competing uses of limiting resources on designated ranges must be resolved in favor of the wild horse or burro population. Wild horse or burro ranges may be especially compatible with other extensively managed resource uses, such as wilderness.

(a) Designation of wild horse and burro ranges must have a basis in the land use plan, and should be recommended because of outstanding opportunities for expression of wild and free-roaming behavior in the animals. Provisions for public access and viewing must also be an important consideration.

(b) Designation of wild horse or burro ranges is reserved to the Director, because of the national interest which is likely to be expressed. Following approval of the land use plan, the recommendation for designation is forwarded to the Director, along with a map and legal description of the subject area, a justification for the designation, relevant portions of the land use plan, and any expressions of public support that were a basis for the recommendation.

c. Management Intensity. The land use plan should specify the intensity of management to be applied to each herd management area. The specific methods that will implement the management will be developed in individual activity plans.

(1) Compatibility With Other Uses. The requirements for management of wild horse and burro use at the minimum feasible level and providing for free-roaming behavior in herds, must be analyzed in the land use plan in relation to the compatibility of horse and burro management with other resource uses. For example, implementation of intensive livestock grazing management systems which require interior fencing of allotments into pastures would not be compatible with wild

horse and burro management if the required fencing would disrupt established home ranges of the horses and burros, or if success of the grazing system would require moving the wild horses and burros with the livestock. In analyzing such a management situation, therefore, an alternative should be developed for livestock management through herding or stipulation of season of use.

d. Vegetation. In planning areas where wild horses or burros will be managed, the land use plan must provide a basis for the consumptive uses of vegetation. If current use by animals is resulting in satisfactory range condition, trend, and utilization, current allocations may be confirmed as appropriate. If a reallocation is required, initial stocking levels of each kind of animal must be set, based on specific planning criteria and current resource information. In allocating vegetation for wild horse and burro use, the appropriate management level (median number of animals) is used. Habitat reservation for wild horses and burros is made from the lands actually inhabited, regardless of status, and documented in land use agreements where appropriate (see section II.C.4.d.).

e. Water. Water is a critical element of habitats for all animals on the public lands, and must be addressed in the land use plan. Planning for water use must take into account that, except for special congressionally created reservations of water for specific and limited purposes, waters on the public lands (except navigable waters) are controlled by the State in which they are found.

Water needs for wild horses and burros must be identified and quantified in the land use plan.

f. Priority for Activity Plan Development. The land use plan should provide a priority listing of herd management areas for development and implementation of management plans. Criteria for ranking will vary among planning areas, but should address: existing conflicts among resource uses; resource condition and trend; agreement for use of the private lands in herd areas; public interest; and schedule for implementation of other activity plans.

g. Provisions for Modification of Decisions. Decisions resulting from the land use plan concerning consumptive uses usually provide either for allocations to be based on monitoring of resource conditions and use levels, or that adjustments in consumptive uses be phased in over a period of time sufficient to permit monitoring. A basic part of the land use plan in these situations must be a statement guiding adjustment of the various consumptive uses if initial stocking levels are found to be inadequate, or if resource production or conditions change over time. Without such a basis in the land use plan, decisions changing allocations or allocating increases or decreases in vegetation must be reconsidered in a land use plan amendment.

D. Inventory for Wild Horse and Burro Management. Inventories of wild horses and burros and their habitats are conducted to provide a basis for planning decisions concerning resource use levels and animal management, and to provide a reference point for monitoring. The intensity and timing of inventories are developed in the land use plan and/or herd management area plans, based on the adequacy of existing resource information, the extent of resource conflicts to be resolved, and the level of management to be applied to individual herd areas. Results of inventories are documented in herd management area plans.

1. Habitat Inventory. All herd areas which are considered for wild horse or burro management are inventoried to determine their suitability and to estimate their productive capacity.

a. Land Status. The ownership and control of lands within the boundaries of herd areas must be determined and documented. This is important when assessing the herd area's potential for herd management in the long term, especially if many private owners are involved. Uses of adjacent areas of private lands should be inventoried also for compatibility with management of horses or burros in a wild and free-roaming state.

b. Living Components. Biologic parameters of the habitat that would affect the suitability of public land areas for wild horse or burro management are inventoried and analyzed using appropriate methods.

(1) Vegetation. The vegetation resource is inventoried and analyzed on all herd areas considered for herd management, using the Soil Conservation Service (SCS) inventory method or other approved methods (see the SCS National Range Handbook and BLM Manual Section 4412). Data gathered are used to estimate quantities of vegetation present and potential, successional stage, range condition, cover quality, and soil types.

(2) Animals. Wild animals, including wildlife and wild horse and burro populations, are inventoried on all public lands considered for herd management. Wildlife inventories must delineate use areas of game species, critical habitats, ranges of threatened or endangered species, seasonal concentration areas, wildlife waters, and any other uses that would affect wild horse or burro use of the area. Wildlife inventories are conducted as outlined in BLM Manual Section 6602. Wild horse and burro inventories are described below.

c. Physical Components. Physical features of the habitat that would influence use by wild horses or burros, or that would affect public access to the herds, are documented and described.

(1) Waters. Existing and potential water sources are identified and characterized on all herd areas, including status of the land where water occurs, appropriation of the water to recognized uses, the flow of useable (available) water by season, and the importance of the water to other animals, such as wildlife and livestock. Present use by and importance to wild horse or burro herds must be estimated.

(2) Barriers. Natural or man-made barriers to animal movement are critical in determining the suitability of an area for herd management. Existing or planned fences, roads, right-of-way corridors, and similar potential barriers to horse or burro distribution must be documented and assessed for their impact on management alternatives.

(3) Topographic Features. Topographic features in or adjacent to herd areas that could facilitate public access to and interest in herds if used as viewpoints must be documented and described.

2. Wild Horse and Burro Inventory. All herds of wild horses and burros must be inventoried to determine population size and distribution. Herds may be inventoried additionally to determine age, sex, and social structure, and characteristics of individual animals, based on the criteria in section D above.

a. Population Size. The act requires that current inventories of wild horses and burros be maintained. In meeting this requirement, the numbers of wild horses and burros must be determined on a regular basis; the frequency and timing of such efforts are described for herd management areas in herd management area plans (HMAP's) and for other herd areas in the land use plan. In determining the timing of inventories to identify herd size, the authorized officer must consider the time of year with respect to foaling, migration, use of cover, etc. In almost all cases, the number of horses or burros on a herd area can only be estimated; however, since herd size provides a baseline parameter for planning and monitoring purposes, an estimate of the herd size must be made on each herd area.

b. Distribution. The distribution of wild horses and burros must be determined and documented on a regular basis, in conjunction with census operations. Choosing a time or times of year for this inventory is a critical decision, because use patterns and social relationships of populations within a herd area may vary throughout the year. Understanding the migration habits of bands may be enhanced through the use of marked animals.

c. Social Structure of Herds. The size (average number of adults) of bands within a herd should be determined for each herd management area; this observation can be made readily during aerial census. In this determination, each lone animal is considered as an individual band. This information is important in determining the effective population number and in assessing the appropriate management level of herds.

d. Age Structure of Herds. The structure of wild horse and burro herds by age class is an important indicator of herd vigor and productivity. When animals are available from capture operations, estimation of age should be made to the nearest year. When age structure is studied from observation of herds, animals should be classified as foals, yearlings, or adults (2 years old and older).

e. Sex Ratio of Herds. The ratio of male to female animals by age class should be determined whenever wild horses or burros are available for inspection. Sex ratio information is used in conjunction with age structure analysis to estimate female and male survival rates, and as a basis for selective gathering, release, or relocation to control population growth.

f. Animal Condition. The general physical condition of animals will be observed and documented as the opportunity arises. Conformation and presence of physical deformities will be recorded. Keys to look for include the presence or absence of body fat, appearance of skin and hair, and the soundness of legs and feet. Although subjective, the proportion of animals in good, fair, and poor condition should be estimated.

g. Population Characteristics. If specific physical characteristics of horses or burros in herds have been identified in the herd management area plan for selection or retention (such as color), the presence of such characteristics must be documented on a regular basis. In cases where management actions include selective removal, release, or relocation of captured animals, the rate of occurrence of the desired trait should be calculated at intervals corresponding to the schedule for capture or census operations.

E. Monitoring in Wild Horse and Burro Management. Monitoring is the collection and analysis of data to (1) determine if management actions are consistent with management objectives stated in activity plans; (2) assess progress toward meeting management objectives; and (3) update the inventory data base over time. The frequency and intensity of data collection are determined based on the level of management implemented, and are documented in the appropriate activity plan(s). Coordination of monitoring efforts among resource programs is required for lands addressed in two or more activity plans, and may result in an integrated monitoring plan for the area.

1. Monitoring Wild Horse and Burro Habitats. In wild horse and burro herd management, habitat-related monitoring must focus on utilization and trend studies in key areas of the habitat.

a. Key Areas. Monitoring studies are conducted in key areas within each herd management area. Key areas are sample sites for studies, which are selected to be representative of the larger areas on which management is to be evaluated. To the extent possible, wild horse and burro monitoring studies must be established on key areas that can be used in the evaluation of other activity plans and uses, such as habitat management plans for wildlife.

b. Utilization Studies. Utilization studies are conducted to estimate the proportion of the current year's forage production that is consumed by animals or destroyed by trampling. Utilization data are used to evaluate the adequacy of existing resource allocations and population levels. On lands grazed or browsed by more than one kind of herbivore, an effort must be made to determine the percent of utilization attributable to each. In these situations, samples taken before and after seasonal use by each species of animal may be required.

c. Trend Studies. Trend studies are conducted to detect changes in vegetation condition or other resource values over time, and are used to evaluate progress in meeting habitat-related objectives.

2. Monitoring Wild Horse and Burro Populations. In wild horse and burro management, updating the inventory data base over time is a primary purpose of the monitoring effort. In addition, implemented herd management area plans are evaluated for progress in reaching animal-related objectives. Many of the population objectives (population size, animal distribution, etc.) can be monitored using methods outlined under inventory (see section II.D.2.).

a. Timing of Monitoring Studies. On herd management areas with implemented management plans, the schedule and other criteria for monitoring studies are outlined in the section on Evaluation and Revision (see section II.C.4.). On herd areas where management has not yet been implemented, or where the decision for management has not yet been made, monitoring studies must be outlined in more general monitoring plans, which may address several or all herd areas within a planning area.

(1) Criteria for Timing of Studies. Both the time interval between monitoring observations and the time of year in which animal populations are observed are critical elements in obtaining reliable data. In planning study efforts, the authorized officer must consider the timing of previous inventory or monitoring studies; the schedule for monitoring other activity plans; schedules for population manipulation (e.g., gathering); and animal activities that would affect their distribution, such as migration or foaling.

F. Management Activities.

1. Control of Numbers and Distribution. Control of wild horse and burro populations prior to completion of the land use plans must be limited to that necessary to protect the public lands from deterioration associated with excessive use of the habitat, and to prevent establishment of animals outside of herd areas. Numbers of animals may be reduced, but herds may not be eliminated or reduced below levels necessary for long-term survival and vigor. Because herd

areas and herd management areas are not established until the land use plan is approved, care must be exercised in removal activities so that no management options are foreclosed.

2. Provisions for Natural Catastrophes. When the welfare of a herd of wild horses or burros, or the condition of its habitat, is threatened due to extreme conditions of nature such as drought, snowstorm, fire, or epidemic disease, reasonable measures may be taken to alleviate the situation. Such measures must have the effect of reducing the suffering of a large number of animals and/or controlling damage to the public lands and related resources. Reasonable measures include, but are not limited to, feeding, watering, and/or removing animals, or destruction of animals in place. Such destruction must be in accordance with section IV.

3. Range Improvement. Range improvement includes projects, actions, or programs intended to improve forage conditions or to arrest rangeland deterioration. Needs and priorities for range improvement are outlined in the land use plan and developed at the activity plan level.

a. Limitations on Range Improvement. Range improvement work in wild horse and burro management should be limited to that necessary for the implementation and operation of herd management area plans and removal plans. Management-related improvement work must be undertaken with the objective of maintaining the integrity of home ranges; projects which would result in substantial disruption of established distribution and movement patterns of wild horses or burros on herd management areas are not appropriate. They should be designed, rather, to influence desired movements of animals. For example, it would be appropriate to use a drift fence to reduce horse use of the riparian vegetation along a stream course, if such use were causing damage to the habitat. Such action could resolve a conflict with minor impact on horse use of the herd area as a whole, and negate the need for alternative actions such as herd reduction.

b. Funding for Range Improvement. Installation, modification, maintenance, and removal of management and handling facilities and treatments are legitimate uses of range improvement funds as outlined above, when developed under approved plans.

(1) Appropriated Funds. The primary source of funding for range improvement for wild horse and burro management is the 4321 program account. The use of rangeland betterment (8100) funds is not allowed either for the implementation of herd management area plans or of removal plans.

(2) Contributed Funds. Funds may be contributed to the Bureau for specific purposes in resource development and management, and are identified in the 7120 account. Discretion must be used in accepting contributions for specific actions so that program direction and priorities are maintained. Contributed funds may be used for implementing activity plans and removal plans.

4. Closure of Herd Areas to Grazing by Livestock.

a. Herd Areas and Herd Management Areas. Mixing of domestic horses and burros with wild free-roaming horses and burros often causes stress to and harassment of wild horses and burros during gathering, may allow the transmission of disease to the wild herds, and causes problems in supervision of the authorized use (difficulty in distinguishing between permitted and wild animals). For these reasons, herd areas must be closed to use by domestic horses and burros under 43 CFR 4730.4. Herd management areas may also be closed to sheep, cattle, or other kinds of livestock if necessary to allocate all resources to wild horses or burros, to allow for the expression of free-roaming behavior in the herds, or to otherwise provide for their welfare. Public lands adjacent to herd management areas should be closed to authorized horse and burro use if there is the chance that the permitted animals would mix with wild horses or burros.

b. Designated Ranges. Herd management areas designated as ranges may be further designated for the exclusive use of wild horses or burros if necessary to preserve either the wild free-roaming behavior of the animals or the condition of the range resources (vegetation, waters, etc.). Closure may be appropriate especially if it is determined that proper management of livestock grazing would require facilities such as pasture fencing, which would inhibit the free-roaming behavior of horses and burros.

c. Procedures. Permanent closure of public lands to grazing by all or a particular kind(s) of livestock is an action that must have a basis in the land use plan; exclusion of livestock is usually developed as part of an alternative in the management situation analysis. Because of the sensitive nature of closure action, consultation with affected parties and coordination with other administrative Agencies is essential. It is best to schedule the effective date of closure actions to coincide with the beginning or ending date of affected grazing authorizations. Appropriate action to permanently close areas to grazing by all classes or one class of livestock should be started as soon as possible after decisions are final on herd management areas and ranges; early closure facilitates the prompt resolution of unauthorized grazing use as it occurs. Closure is accomplished by issuing a decision under 43 CFR 4160.3(c); the decision must refer to the authority in 43 CFR 4730.4. The decision: states the areas of public lands to be closed to each kind of grazing animal; states the reasons for closure; gives the effective date; is sent all affected users of the subject public lands; cancels or modifies grazing permits/leases and grazing preferences to the appropriate extent (after required notice); and is published in the local newspaper(s) and posted at the county courthouse and post office near the affected public lands.

5. Maintenance of Wild Horses and Burros on Unfenced Privately Controlled Lands. Section 4 of the act provides that wild horses and burros which stray from public lands may be maintained by landowners or lessees on their lands or on lands leased from the government. This section is interpreted to apply only to unfenced private lands contiguous to public land areas, areas of intermingled public and private lands, and lands leased from the government (other than public lands administered by BLM and the Forest Service), to which they have strayed. Maintenance on unfenced lands means the provision by a landowner or lessee of any or all of the food, water, cover, or space requirements of the animals, as determined by the authorized officer.

a. Restrictions on Maintenance Activities. Maintenance activities by private parties must not be allowed to compromise the wild free-roaming behavior of wild horses or burros. Animals may not be removed or enticed from the public lands nor detained on privately controlled lands once they are there. Maintained animals retain their status as wild free-roaming horses or burros since they are allowed to move freely between the public lands and the lands on which they are maintained.

b. Memorandum of Understanding. A person who wishes to maintain wild horses or burros on unfenced areas should first enter into a written Memorandum of Understanding with the authorized officer. Wild horses and burros are considered to be maintained by private parties if measures of any kind are taken on behalf of the animals, consistent with the Memorandum of Understanding.

(1) Content of the Memorandum of Understanding. No specific form or format is required for the Memorandum of Understanding, but it should specify:

(a) The species and approximate number of animals involved;

(b) The privately controlled lands included in the habitat;

(c) Management facilities existing or planned;

(d) Allocation of the forage on the subject public lands;

(e) Provisions for control and disposition of the animals by the authorized officer; and

(f) That a report to the authorized officer, updating the number of animals maintained and their condition, must be made by the maintaining person each year in January.

G. Herd Management Area Plan. HMAP's are prepared for all herd management areas, following approval of the land use plan. HMAP's are prepared by the authorized officer in consultation with affected and interested groups and individuals, and in coordination with affected Federal Agencies and State wildlife agencies. Plans must be coordinated with other BLM resource plans and uses which may be impacted. Herd Management Area Plans are titled using the name of the herd management area.

1. Introduction and Background Information.

a. Location and Setting. This section provides a brief description of the herd management area, the goals of multiple-use management on the area, and the relationship of the plan to other planning documents affecting the area. Describe the location of the HMA in relation to local landmarks, towns, and administrative units and boundaries, and any cooperative management relationships with other jurisdictions. If the present plan is an update of an existing HMAP, give the reasons for the updating.

b. Resource Information.

(1) Wild Horse and Burro Use History. Include in the narrative all available information on the wild horse and burro population, both on the particular herd management area, and in adjacent areas. A history (if known) should provide information on where the horses came from, how long the herd has been in existence, how the population has fluctuated in the past, the origin of any special characteristics, and any past management efforts by others.

(2) Reference to the Land Use Plan. Provide a succinct reference to decisions in the land use plan that affect the herd management area. If an allocation of forage was made, it should be summarized, giving the specific allocations to all consumptive and nonconsumptive uses within the herd management area. If forage allocation was deferred, the plan for arriving at levels of consumptive use should be described. All constraints on wild horse and burro distribution or management are stated in this section.

(3) Other Resources. Briefly describe the importance of other resource values on the area and the current extent of management of each. If conflicts exist between wild horse and burro use and other resource uses, explain how their resolution is provided. The reader should be referred to appropriate sections of the land use plan for detailed treatments of other resource conditions, needs, and opportunities.

2. Objectives. HMAP objectives are succinct expressions of desired resource levels or characteristics, attainable through management actions. Objectives are developed to guide implementation of the land use plan decisions that affect the HMA. Objectives for herd management areas should be limited to those attainable through wild horse and burro management and the related implementation of range improvements. Objectives in HMAP's may be either animal-related or habitat-related.

a. Habitat Objectives. Habitat-related objectives should address maintenance or achievement of specified vegetation composition, utilization, density, frequency, or condition levels. Care must be taken to state objectives that are attainable within a reasonable time frame (15-20 years) with the level of management contemplated, and that can be evaluated through monitoring studies. In the case of vegetation, it may be most realistic to set objectives in the context of avoiding a downward trend in condition, rather than causing an upward trend.

b. Animal Objectives. Animal-related objectives normally address population levels, animal characteristics, or a herd's sex and age structure. These kinds of objectives may be attainable either through population manipulation or through natural processes. Those to be reached through scheduled actions such as selective gathering operations should be stated explicitly in terms of desired numbers or characteristics.

c. Writing HMAP Objectives. HMAP objectives are stated explicitly and are quantified to the extent possible. A short statement may be included to describe how each objective will be attained.

(1) Examples

(a) To maintain a healthy herd of 200 adult horses, allowing a variation of ± 30 percent in numbers, through periodic removals.

(b) To control the rate of population increase to eight percent per year by maintaining a sex ratio among adult animals of three males:two females through periodic selective removal.

(c) To maintain vegetation condition on Key Area A at a "fair" rating through control of grazing pressure.

(2) Scope. Objectives in HMAP's should be limited in scope to those achievable through wild horse and burro management. Examples of objectives that should be avoided include: wildlife or livestock numbers and/or characteristics; protection of wildlife habitats; or protection of watershed values. These are more appropriately expressed as constraints against which wild horse and burro use is regulated, and are documented in the Reference to the Land Use Plan, above.

3. Management Methods. Identify the methods or techniques to be used to accomplish the objectives, to protect or improve the condition of the animals or the habitat, to maintain the population at the appropriate management level, and to maintain desired population or animal-specific characteristics. Discuss in detail any range improvement work planned. The extent of management or range improvement required to meet HMAP objectives is considered to be within the minimum feasible level.

a. Parameters on Herd Size. State the specific size of the herd or critical resource levels of the habitat that would indicate need for reduction in the number of animals. Specify the level to which the herd would be reduced. Describe the relationship of these levels to the appropriate management level (median number of adult animals).

b. Capture and Removal Operations. When periodic capture and/or removal of wild horses and burros are required or anticipated in management of the herd, the required removal plan may be incorporated in this section.

(1) Removal. When removal actions are incorporated as one of the management methods, the requirements for content listed in Section III.C.1. apply. However, instead of identifying approximate dates of the removal actions, the interval between removals is estimated, based on the criteria in II.G.3.a., above.

(2) Capture and Release. When periodic capture and release of horses or burros are anticipated for study, relocation, or similar purposes, the criteria and methods are described.

(a) When wild horses or burros are captured and released on-site, the plan should detail the criteria for selection of animals to be captured; the capture method (e.g., type of immobilizing agent and method of delivery); and the extent of handling to be done in marking, study, or other processes.

(3) Relocation. The relocation of wild horses and burros from one herd area to another may be undertaken when necessary to meet specific management objectives. Relocation is a tool that has utility in maintaining vigor in herds and in enhancing selected characteristics which are managed in a population. However, care must be exercised to minimize the disturbance of herds and their exhibited social structure. Before relocating animals, the following requirements must be met:

(a) The area to which animals will be relocated must have been identified as an HMA;

(b) The HMA must have an approved HMAP which outlines the criteria for relocation in specific terms of animal species, number, sex, or other desired characteristics; and

(c) The relocation must not increase the herd size beyond the upper population limit set in the HMAP.

4. Evaluation and Revision. Describe how the effectiveness of the plan in reaching the stated objectives will be evaluated. Include a description of the study methods to be used, the schedule of these studies, the Agencies or positions responsible for the studies, and the critical levels of resource use or animal characteristics against which the plan's effectiveness will be analyzed. It is important to state that if the plan is not working as written, or if reasonable progress toward objectives is not being made, the plan will be revised; and that other activity plans or program uses affecting the area may need to be modified to allow for the appropriate adjustment.

5. Coordination. Describe how the activities outlined in the sections on Management Methods (see section II.G.3.) and Evaluation and Revision (see section II.G.4.) will be coordinated with the corresponding activities of other Bureau programs and other Agencies. In particular, refer to activities that can be conducted jointly (animal inventory, resource studies) and those that may have significant effects on wild horse and burro management (gathering and trailing of livestock, for example).

a. Cooperation in Management. When herd areas identified for management span administrative boundaries between districts, State Offices, or Agency jurisdictions, a single herd management area plan is developed, addressing all affected lands. The responsibilities of each party must be outlined, and a lead established for the management actions outlined. A Memorandum of Understanding may be executed, appended, and referred to in this section, if appropriate.

6. Appendices. Supplemental information and associated documentation upon which the plan is based, but which are too extensive for inclusion in the text of the HMAP, are appended. Such information may include:

a. Maps. Provide a map of the HMA and adjacent lands, indicating land status, topography, range improvements, etc.

b. Range Improvements. List existing and needed range improvements, including a key to ownership, location, maintenance responsibility, maintenance cycle, etc.

c. Agreements. Include cooperative agreements and memorandums of understanding with Agencies, groups, and individuals.

d. Inventories. Include summaries of range surveys and other pertinent inventories.

e. Activity Plans. Include pertinent portions of other activity plans addressing the HMA which might affect the herd.

f. Other Animals. Include lists of threatened or endangered species of wildlife, important game species, normal operation number of livestock, etc.

7. Environmental Analysis. Herd Management Area Plans must be subjected to environmental analysis prior to approval and implementation. Preparation of the environmental assessment should be by an interdisciplinary team. If the proposed actions do not collectively constitute a major Federal action, the Finding of No Significant Impact is included. All environmental documents are appended to the HMAP. In cases that the HMAP incorporates provisions for periodic capture or removal of animals, supplemental environmental analysis of these actions would be necessary when they are taken if the numbers of animals, locations, or methods are changed.

8. Approval. HMAP's are approved and may be implemented upon signature by the authorized officer and counterpart(s) in cooperating Agencies or jurisdictions.

III. Removals.

A. Purpose. This section provides guidance for removing wild horses and burros from public and private lands, determining ownership of captured horses and burros, and removing unauthorized privately owned horses or burros from public lands.

B. Objectives. The objectives of removal actions are: (1) to maintain healthy herds of wild horses and burros on the public lands, (2) to protect the public lands from deterioration due to grazing by excess wild horses and burros, and (3) to prevent damage to private land by wild horses and burros.

C. Removal of Wild Horses and Burros from Public Land. When the authorized officer determines, based on inventories, resource management plans, grazing environmental impact statements, herd management area plans, or any other current information that an excess of wild horses or burros exists, the authorized officer must remove the excess animals. BLM and Forest Service removal schedules must be coordinated annually, including plans for preparing and transporting excess animals for adoption or, if necessary, the destruction of excess animals.

1. Removal Plan. Before removing excess animals, the authorized officer must prepare a removal plan. The plan may encompass all herd areas within a planning area and may be supplemented by addenda to cover situations unique to specific herd areas. Where herd management areas have been established, the removal plan may be included in the management methods section of the HMAP. The removal plan must identify the purpose of the removal (e.g., to reach planned management levels, to maintain populations at a specific level until planning is completed, to remove diseased animals, etc.); specify the number of wild horses or burros to be removed; specify the number of wild horses or burros to remain on the area; identify the approximate date removal operations will begin and estimate the amount of time necessary to complete the removals; describe the area from which the excess animals will be removed; describe the methods for removal and disposition of excess animals; and specify safety measures to be taken to protect personnel, animals, and property.

2. Environmental Analysis. All removal plans must be subjected to an environmental analysis to determine if the action significantly affects the quality of the human environment and requires the preparation of an environmental impact statement.

3. Public Notice. A minimum of 30 days advance public notice of any scheduled removal of wild horses or burros from public lands must be given by the authorized officer. When the authorized officer suspects that unauthorized horses or burros whose owners are unknown also may be captured when removing excess wild horses and burros, a written notice of intent to impound must be issued before gathering in accordance with 43 CFR 4150. If helicopters or motor vehicles are to

be used in support of a capture operation, the public hearing requirement discussed in subsection V.D. may be included as a specific agenda item when a public meeting is held on the herd management area plan, removal plan, or environmental assessment.

4. Order and Priority of Removal. Excess wild horses and burros must be removed from the public lands in the following order and priority:

a. Animals That Are Old, Sick, or Lame. Any wild horses or burros found on public lands must be destroyed immediately in accordance with section IV. if the authorized officer determines that they are old, sick, or lame.

b. Animals for Private Maintenance. Remaining excess animals on the public lands must be captured and made available for private maintenance as long as there is an adoption demand by qualified individuals either within the jurisdiction of the State Office where the excess animals are located, or at any BLM contract adoption center.

(1) Adoption Demand. The authorized officer must determine the size and location of the adoption demand. Information on accessing the computer files for the size and location of the adoption demand may be obtained from the Denver Service Center (D-470).

(2) Qualified Individuals. Verification that individuals who created the adoption demand are qualified and approved to adopt excess animals may be obtained from the authorized officer for the area where the individual resides. When there are qualified individuals within the jurisdiction of the State Office where the excess animals are to be captured, the authorized officer must retain a sufficient number of captured animals to satisfy that adoption demand before transferring excess animals to adoption centers under the jurisdiction of other State Offices. Only excess animals of the species, age, and sex requested by qualified individuals may be transferred to other adoption centers.

c. Animals for Which No Adoption Demand by Qualified Individuals Exists. Excess wild horses and burros for which the authorized officer determines that no adoption demand by qualified individuals exists must be destroyed. To ensure humaneness, reduce the possibility of destroying private animals, and ensure management objectives are met for wild horses and burros, all excess animals on public lands for which no adoption demand by qualified individuals exists must be captured before destruction. Exceptions may be made only if excess animals have eluded repeated capture attempts.

(1) At the Capture Site. Captured excess wild horses and burros for which it has been determined before gathering that no adoption demand by qualified individuals exists must be destroyed at the capture site. Exceptions may be made only when the authorized officer determines that destruction at another location would be safer, more cost-effective, necessary to comply with local laws, or significantly reduces the negative impact on observers or participants.

(2) At Adoption Centers. When captured excess animals are made available for private maintenance at any adoption center, the authorized officer must contact within 45 days all qualified applicants requesting animals of the species, age, and sex available from that location and provide them an opportunity to adopt. If no qualified applicant will adopt the animals, they must be destroyed as soon as practicable. The authorized officer may delay destruction of excess animals that qualified individuals will adopt but are unable to pick up because of unusual circumstances including, but not limited to, road closure due to flooding or snow.

(3) Method of Destruction. The destruction of excess animals for which an adoption demand by qualified individuals does not exist must be accomplished in accordance with section IV.

D. Removal of Wild Horses or Burros From Private Land. When wild horses and burros stray from public lands onto private land or use private land as a part of their habitat, the authorized officer must remove such animals upon written request from the landowner. The removal must be scheduled as soon as funds and manpower are available. Wild horses and burros may also be removed from private land when the authorized officer determines that removal is necessary for proper herd management. Before removing wild horses and burros from private land, the authorized officer must prepare a removal plan and obtain the written permission of the landowner to enter the private land.

1. Capture. Wild horses and burros on private land are to be captured. The captured animals may be relocated to areas of public land where herd management area plans have been implemented as long as the relocation does not increase the herd size beyond the upper population limit specified in the HMAP. If no such areas exist, the captured animals must be made available for private maintenance. If the adoption demand by qualified individuals has been exhausted, the captured animals must be destroyed.

2. Destruction. Wild horses or burros on private land that elude repeated capture attempts may be destroyed in the manner specified in section IV.

E. Removal of Unauthorized Horses and Burros From Herd Areas. Privately owned horses or burros grazing on public lands without an appropriate permit or lease, whether branded or unbranded, and whether claimed or unclaimed, are unauthorized. As such, their owner is liable to the United States for forage consumed, for injury to Federal property caused by their unauthorized use, and for expenses to the government incurred in their removal, impoundment, and disposal. Removal of unauthorized animals and settlement for damages and expenses must be in accordance with 43 CFR 4150. When unauthorized animals are removed using 4321 funds, that portion of the settlement associated with the expense of their capture, impoundment, and disposal must be deposited in Subactivity 5120, following procedures outlined in subsection VI.F.3.

1. Unauthorized Use by Horses or Burros Whose Owner Is Unknown. When unauthorized horses or burros are grazing in areas inhabited by wild free-roaming horses or burros, and neither the owner of the unauthorized horses or burros nor his/her agent is known, the authorized officer must proceed to impound the unauthorized horses or burros in accordance with 43 CFR 4150.

2. Unauthorized Use by Horses or Burros Whose Owner Is Known. When unauthorized use by horses or burros is encountered in areas inhabited by wild free-roaming horses or burros, and the owner is known, the authorized officer must proceed by issuing a notice of unauthorized use and an order to remove the unauthorized animals, using Form 9230-1. Procedures are found in 43 CFR 4150. When the unauthorized animals are not branded, the authorized officer must require in the order to remove that the owner present evidence of ownership.

a. Filing Claims for Horses or Burros. Horses or burros grazing on the public lands may be claimed under State branding and estray laws as outlined in 43 CFR 4720.2.

(1) Claims Filed Before November 15, 1973. All claims of ownership with supporting evidence for unauthorized horses or burros on public lands as of December 15, 1971, were required to be filed with BLM during the 90-day claiming period that ended on November 15, 1973, if claims had not been previously filed. Claims that have not been acted upon must be adjudicated when removal operations of wild horses and burros are scheduled in areas where ownership claims have been filed. The authorized officer may approve written requests to gather by the claimant if the evidence adequately substantiates the claim of ownership and the gathering is done at the claimant's expense. A notice of unauthorized use is issued following the procedures outlined in 43 CFR 4150.

(2) Claims Filed After November 15, 1973. Persons claiming ownership of horses or burros grazing on the public lands after December 15, 1971, must document such claims and request in writing permission to gather the animals from the authorized officer. No specific form or format is required. The claim and request must state the number of animals claimed, a description of each, the circumstances which led to their entry onto the public lands, the date of their entry, and the proposed method of gathering the animals, and provide evidence of ownership of the subject animals.

(a) If the authorized officer is satisfied that the claimant is the owner of the unauthorized animals, he issues a notice of unauthorized use and order to remove (Form 9230-1) the unauthorized animals. The order must specify the date when the removal operation may be conducted, and any conditions required to minimize stress on or harassment of wild free-roaming horses or burros. Charges for the unauthorized use are calculated through the date the animals are removed, minus any days during which the owner was not authorized to gather.

(b) If the authorized officer is not satisfied with the documentation offered in support of the claim, the claim must be rejected in a proposed decision pursuant to 43 CFR 4160.1-2. The decision must state the reasons for rejecting the claim, and is subject to appeal procedures under part 4160.4 of the regulations.

F. Capture Methods. Wild horses and burros must be captured by Federal employees or individuals under a contractual agreement with BLM using helicopter herding, trapping, chemicals, roping techniques, or a combination thereof. Fixed-wing aircraft may be used for inventory, observation, or surveillance purposes, but must not be used to capture wild hroses or burros. Any animals severely injured during or after capture must be destroyed immediately in accordance with section IV.

1. Helicopter Herding. Capture of wild horses and burros by helicopter herding must be scheduled and conducted in a manner that will minimize the risk of injury or other harmful effects to the animals. Animals must not be gathered just prior to, during, or immediately following the time a majority of the foals are born. A minimum of 6 weeks must be allowed before and after the peak foaling period for helicopter gathering operations. Herding of wild horses and burros by helicopter must allow foals to stay with their mares or jennies and bands to remain together. The rate of movement of the animals must be determined after consideration of the terrain, weather, distance to be herded, and condition of the animals.

2. Trapping. The capture of wild horses or burros by bait trapping (i.e., food, water, salt, sexual attraction, and other similar techniques) is permitted year-round.

3. Chemical Capture. The use of chemicals to sedate or immobilize wild horses or burros for the purpose of capture may be permitted only for an approved research study, for treatment of a sick or injured animal, or when other capture methods have proven to be ineffective or unsafe. Because the misuse of chemicals may jeopardize the safety of personnel and may lead to the unintentional death of an animal, only experienced veterinarians, qualified researchers, or trained employees may be authorized to use chemicals for sedating or immobilizing wild horses or burros. Before BLM personnel are permitted to administer these chemicals to wild horses or burros, the authorized officer must ensure that employees have been trained in selection of the proper drug, determining the proper dosage, injection techniques, knowledge of antidotes, and safety precautions. Only employees who would be using these chemicals on a regular and continuous basis should be trained.

IV. Destruction of Wild Horses and Burros.

A. Purpose. This section provides guidance for the destruction of wild horses and burros that are old, sick, lame, or injured, that elude repeated capture attempts, or for which no adoption demand by qualified individuals exists.

B. Objectives. The objective is to assure that destruction of wild horses and burros, when necessary, is accomplished in a humane manner at the least cost.

C. Personnel Implementing Destruction. The planned destruction of wild horses and burros must be carried out by individuals who recognize the importance of minimizing the fear, pain, and suffering of the animal and the impact of the destruction on participants or observers. Individuals must be trained by a licensed veterinarian in the procedure for destruction of large animals by injection of chemicals and, when destruction of captured animals is carried out by firearm, in locating the point on the skull that assures instant death by penetration of the bullet into the brain.

1. Government Employees. Employees of Federal and State Governments may be authorized to destroy wild horses and burros. The authority and method for destruction of wild horses and burros by employees of a State Government or Federal Agency must be documented in a Memorandum of Understanding with the appropriate agency.

2. Private Individuals. The destruction of wild horses and burros may be carried out by private individuals given the responsibility by the authorized officer through issuance of a BLM contract. Stipulations must be included in the contract to assure that the destruction is carried out by trained individuals.

D. Destruction of Captured Animals. Before ordering the destruction of any captured horse or burro, the authorized officer must ensure that it is unbranded and unclaimed. The destruction of captured animals must be accomplished by injection of sodium pentobarbital or T-61, or by gunshot into the brain. Unless an emergency situation exists, the authorized officer must schedule the destruction when visitors are not present.

E. Destruction of Free-Roaming Animals.

1. Old, Sick, or Lame Animals. Wild horses or burros found on the public lands that are old, sick, or lame and whose condition is such that it is obvious they will not recover may be destroyed by firearm from the ground, as an act of mercy.

2. Animals That Elude Capture. Prior to destroying free-roaming wild horses or burros on public lands that elude repeated captured attempts, the authorized officer must publish in a local newspaper and post both at the county courthouse and at a post office near the affected public lands, a notice of intent to close the public lands to domestic horse and burro use. The notice must describe the area to be closed and the duration of the closure, and specify that horses and burros on the area may be destroyed beginning 5 days after publishing and posting of the notice. The closure must not exceed 1 year's duration. The destruction must be carried out from the ground by use of a firearm.

F. Disposal of Carcasses. Wild horse and burro carcasses must be disposed of in a manner that meets State or local sanitation laws. However, BLM must not receive consideration for disposal of the carcasses.

1. State or Local Laws Require Rendering. In areas where State or local laws require rendering of carcasses, this method must be used. Contracts awarded by BLM for disposal of carcasses must stipulate that the carcass of any wild horse or burro may not be sold or transferred for consideration for rendering.

2. State or Local Laws Do Not Require Rendering. In areas where State or local laws exist but do not require rendering of carcasses, the authorized officer must dispose of the carcasses in the most cost-effective manner that meets the requirements of the law.

3. No State or Local Laws Exist. In areas where State or local laws do not exist, the authorized officer must dispose of the carcasses in the most cost efficient manner possible. When the cost of burying or burning the carcasses would exceed the cost of transporting the carcasses to a rendering plant, it is permissible to donate the carcasses for rendering.

G. Transporting Carcasses. When BLM personnel or contractors remove carcasses from the site of destruction to the final disposal site, a truck or trailer with side and end racks made of solid material to restrict the view must be used.

V. Use of Aircraft and Motor Vehicles.

A. Purpose. This section provides guidance for the use of aircraft and motor vehicles in the management of wild horses and burros.

B. Objectives. The objective is to ensure that all use of aircraft and motor vehicles in wild horse and burro management is accomplished in a humane and safe manner consistent with Public Law 86-234 and Public Law 92-195, as amended.

C. Effect of Land Status.

1. Public Lands. The authorized officer may use aircraft and motor vehicles in the management of wild horses and burros on public lands provided that neither motor vehicles nor aircraft other than helicopters may be used for the purpose of herding wild horses or burros for capture. When aircraft or motor vehicles are used in Wilderness Study Areas, such use must be in accordance with the Interim Management Policy and Guidelines for Lands Under Wilderness Review, or if in areas designated as Wilderness, BLM Manual 8560 (Management of Designated Wilderness).

2. National Forest Lands. The authorized officer may use aircraft and motor vehicles in the management of wild horses and burros on national forest lands. All use of aircraft and motor vehicles on national forest lands must be coordinated in advance with the Forest Service.

3. Other Federal Lands. The authorized officer may use aircraft and motor vehicles on Federal lands other than public lands in the management of wild horses and burros that use Federal lands as part of their habitat. Such use must be coordinated with the authorized officer of the Agency administering the Federal lands. Aircraft or motor vehicles may not be used by BLM personnel on Federal lands other than public lands or national forest lands to capture horses or burros not protected by the Act.

4. Private Lands. The authorized officer may use aircraft and motor vehicles on private lands in the management of wild horses and burros using those private lands as part of their habitat.

D. Public Hearing. The authorized officer must hold a public hearing in advance of the use of helicopters in capture operations (including research activities involving the capture and release of animals) and motor vehicles for the purpose of transporting captured animals (see subsection III.C.3.).

E. Use of Aircraft. Use of aircraft must be in accordance with Federal Aviation Regulations 14 CFR Chapter I, Civil Aeronautics Board Regulations 14 CFR Chapter II, Department of the Interior Manual Parts 350 to 354, BLM Manual sections 1112 (Safety) and 9400 (Air Operation), and regulations of the Board of Aeronautics of the State in which the work project is located. Use of contracted aircraft must be in compliance with contract specifications .

1. Coordination. The authorized officer must coordinate the use of aircraft with the BLM State Aviation Manager to ensure compliance with current regulations and policies.

2. Management Activities. Aircraft may be used in wild horse and burro management activities including, but not limited to, animal and habitat inventory, removals, monitoring, emergency feeding, investigations, research, and transport of materials. To assist in the supervision of the use of aircraft during removals, the authorized officer must have the means to communicate with the pilots at all times.

3. Occupancy of Aircraft. The authorized officer may allow only essential personnel to occupy certified aircraft for all wild horse and burro management activities. Before allowing personnel (including but not limited to BLM employees) to occupy aircraft, the authorized officer must determine that the aircraft and pilot have been certified for carrying passengers under Federal Aviation Administration Regulations 14 CFR 135 and certified by the Department of the Interior Office of Aircraft Services for that use. If flying below 500 feet in altitude for purposes other than take-offs or landings, all personnel occupying aircraft must comply with Department of the Interior special use regulations (e.g., requirements for safety plans, protective clothing, etc.). Employees with Federal Employees Group Life Insurance should be advised that they are insured in the event their death results from the use of aircraft in the authorized performance of their assigned duties. Because other insurance companies may limit their coverage to certain uses of aircraft, passengers of aircraft should be advised to consult with their insurance agent prior to the use of aircraft.

F. Use of Motor Vehicles.

1. Management Activities. Motor vehicles may be used in wild horse and burro management activities including, but not limited to, animal and habitat inventory, monitoring, installation and maintenance of range improvements, and emergency feeding. Care must be taken to avoid unnecessary disturbance of the animals.

2. Transportation of Captured Wild Horses and Burros.

a. Loading of Vehicles. The authorized officer must not allow the loading of wild horses or burros if he/she determines that the vehicle to be used for transporting the animals is not satisfactory for that purpose. Only qualified individuals approved by the authorized officer may load or unload animals at wild horse and burro adoption centers. Use of volunteers must be in accordance with section I.E.

b. Standards. In addition to meeting State and local laws, use of motor vehicles for transport of wild horses or burros must meet the following standards.

(1) Vehicle Standards. All equipment must be in a safe condition and of sufficient strength to withstand the rigors of transporting wild horses or burros. Enclosures must have interiors free from protrusions that could injure animals, ample head room to allow animals to assume normal standing posture, floors covered with sand or other nonskid absorbant material, adequate ventilation, and protection from inclement weather and temperature extremes. If transporting two or more animals, enclosures also must have partitions to separate animals by age and sex, if deemed necessary by the authorized officer. For personnel safety, vehicles with drop ramp tailgates may be used only to transport animals less than 6 months old.

(2) Transportation Standards. Unless otherwise approved by the authorized officer, transportation must be limited in sequence to a maximum of 24 hours, followed by a minimum of 5 hours of on-the-ground rest with adequate feed and water.

VI. Private Maintenance.

A. Purpose. This section describes the Adopt-A-Horse/Burro Program. Specifically, the section describes the policy, standards, and procedures to be used in placing in private maintenance (adoption) excess wild horses and burros removed from public lands under the administration of BLM or, on occasion, the Forest Service.

B. Objectives. The objectives of the Adopt-A-Horse/Burro Program are to place healthy excess wild horses and burros with qualified individuals able to give them humane care and treatment and provide the public an opportunity to contribute to the preservation and conservation of the public lands' natural resources.

C. Adoption Centers. Reserved.

D. Preparation of Animals for Adoption.

1. Standards for Animals Made Available for Adoption. Only healthy, physically sound excess wild horses and burros may be made available for adoption. Orphan foals that require bottle feeding to survive and animals having physical defects that do not impair significantly their freedom of movement, utility, or physical condition (e.g., missing teeth, missing ear, blindness in one eye) may be made available for adoption at the facility serving the area from which they were removed. Animals with physical defects may be transferred to another adoption center (either BLM or contractor operated) only with the specific approval in advance of the authorized officer or contractor, where delegated, for the receiving center. Unweaned offspring more than 6 weeks old may be transferred with their mare or jenny to another adoption facility. Any animals transferred from the facility where they were prepared for adoption to another BLM or contractor operated center must meet the adoption demand for that center. Animals may be transferred only once from one adoption center to another.

2. Physical Examination. Each excess animal offered for adoption first must be given a physical examination by a veterinarian or a qualified BLM employee trained by a veterinarian. The purpose of the examination is to ensure the animal's soundness and good health; determine its age and sex; and administer tests for communicable diseases, immunizations, and worming compounds.

a. Age. Each excess animal's age must be estimated by an examination of its tooth replacement and wear patterns, using standards established by the American Association of Equine Practitioners.

b. Sex. Each animal must be identified as "male," "gelding," or "female" on all documentation and the genders may be abbreviated "M," "G," and "F," respectively. Any other terms or abbreviations, such as mare, colt, or jenny, must not be used to avoid confusion in recordkeeping.

c. Medical Treatment.

(1) General Requirements. All animals over the age of 6 weeks made available for adoption must be wormed unless specifically recommended otherwise by a veterinarian, and immunized against influenza and tetanus. All animals made available for adoption between October and March must be vaccinated to prevent rhinopneumonitis.

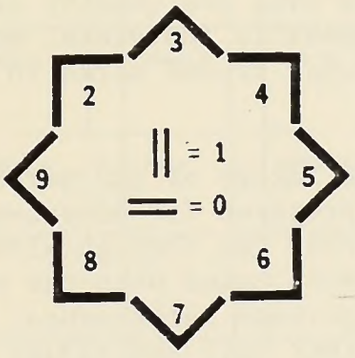
(2) Site Specific Requirements. Animals transferred to other adoption centers, in addition to the general requirements above, must be tested for equine infectious anemia. Additional requirements may be necessary depending on the adoption location, such as health certification, statement of animal's temperature, or eastern, western, and venezuelan equine encephalomyelitis immunization. The authorized officer for each adoption center is responsible for determining what treatments are necessary for animals to be placed from that center. A reference book, "State-Federal Health Requirements and Regulations Governing the Interstate and International Movement of Livestock and Poultry," is maintained by the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture (APHIS Pub. #91-17-7). Copies of the book may be obtained upon request to the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Program Aids and Information, 6505 Belcrest Road, Hyattsville, Maryland 20782. Animals that do not have the treatments specified by the authorized officer must not be transferred to other adoption centers.

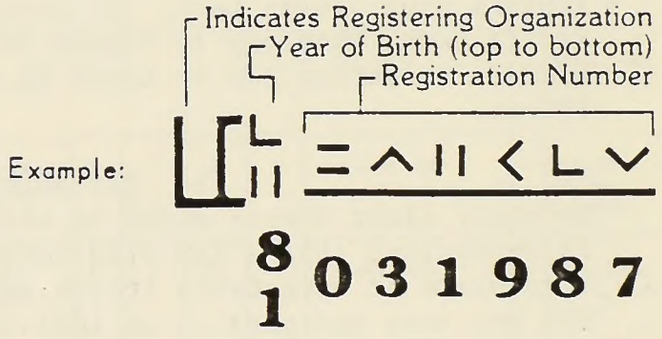
(3) Official Health Documentation. Official documentation confirming compliance with State requirements must be obtained by the authorized officer for the facility where the animal is prepared for adoption from a veterinarian or State-approved official. State "Health Certificates for Interstate Movement of Livestock," statement of temperature, and immunization records must specify the individual identification numbers of the animals included in the documentation (see subsection VI.D.4. below). A separate, legible copy of the official documentation must be provided to the authorized officer or contractor for each animal transferred to other adoption centers. The documentation must be provided to each adopter for each animal he/she obtains.

3. Animal History and Health Record. As an aid to adopters and in addition to the official documentation above, a record of the freeze mark, species, age, sex, immunizations, blood tests, and any other health care must be provided for each animal to the adopter or to other centers where the animals are transferred. The record will assist adopters in maintaining health records and tracking immunization and worming schedules. The record should also include the geographic location (county, State) where the animal was removed; the address of the BLM office of jurisdiction for the removal area; and the address and telephone number of the BLM office of jurisdiction for the adopter's residence, which would be entered at the time of adoption (see Illustration 1 for a suggested format).

4. Identification. All animals, including orphan and unweaned foals, to be offered for adoption must be individually identified and described by alpha numeric symbols, a signalment key number, and a temporary number.

a. Alpha Numeric Symbols. BLM and the Forest Service are licensed to use an internationally recognized system for the individual identification of wild horses and burros. Under this system the authorized officer must identify all excess animals (including foals born at adoption centers) on the left side of the neck with an eight-character freeze mark before adoption or shipment to other adoption facilities. The mark begins with the alphabetical symbol "U," indicating the animal is a United States wild horse or burro. The following numeric symbols, which are formed by a system of angles, are used to record the year of birth and to identify each animal with its own six-digit number, as illustrated below:





(1) Number Assignments.

(a) Each BLM State Office has been assigned a sequence of numbers to mark excess animals for adoption:

Arizona	80,001 to 160,000
California	160,001 to 240,000
Colorado	240,001 to 320,000
Idaho	320,001 to 400,000
Montana	400,001 to 480,000
Nevada	480,001 to 640,000
New Mexico	640,001 to 720,000
Oregon	0 to 80,000
Utah	720,001 to 800,000
Wyoming	800,001 to 880,000
Eastern States	880,001 to 880,100
Reserved	880,101 to 975,000

(b) In addition, the Forest Service has been assigned the following numbers for identifying excess animals under Forest Service jurisdiction that are made available for adoption:

Arizona	975,001 to 975,500
California	975,501 to 985,500
Colorado	985,501 to 986,000
Idaho	986,001 to 986,500
Montana	986,501 to 987,000
Nevada	990,001 to 997,000
New Mexico	987,001 to 990,000
Oregon	997,001 to 998,500
Utah	998,501 to 999,500
Wyoming	999,501 to 999,999

(2) Freeze Marking Quality. Trained personnel must apply the alpha numeric symbols by freeze marking while the animal is in a secure and stationary position. As it is not possible to determine the success of the freeze mark until the next hair growth cycle, an inadequate freeze mark may not be apparent for 6 months.

(a) To ensure quality freeze marks, the authorized officer must maintain a record of the individual who applies each freeze mark. If problems arise over the quality of the freeze mark, they may be traced to the responsible individual and corrective action can be taken to ensure proper freeze marks in the future.

(b) Although it is the intent of BLM personnel to apply clear freeze marks to each animal prepared for adoption, it is recognized that a few wild horses and burros get through with incomplete or unreadable freeze marks. In such cases when the animal has not been assigned to an individual for private maintenance, the authorized officer must repair or apply another mark and adjust the records accordingly. If an adopter of a wild horse or burro requests to have an incomplete or unreadable freeze mark repaired, he/she should be advised to make arrangements with Kryo Kinetics Inc. (Post Office Box 2250 College Station, Pullman, Washington 99163-0905, (509) 332-2484) to have one of their field technicians perform the work. Before repairing freeze marks on wild horses or burros, the technicians must see the original of the Certificate of Title or of the private maintenance and care agreement. Following the repair, the technician must provide to the BLM office of jurisdiction for the individual's residence the name and address of the individual in possession of the horse; certification that the repaired freeze mark corresponds to the freeze mark shown on the signed agreement or Certificate of Title; the date the repair was completed; and the name, address, and telephone number of the technician who performed the repair. All costs of freeze mark repairs to adopted animals must be paid by the individual requesting the repair.

(3) Royalty Fees. BLM pays royalty fees of $.40 per animal for the use of the alpha numeric system. The authorized officer must complete DSC Form 4740-1, Wild Horse and Burro Freeze Mark Number Assignment and Payment Record (Illustration 2), for all

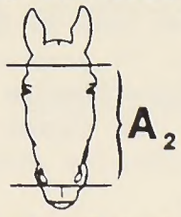
freeze marks used on wild horses and burros. When a form is completed, it must be submitted to DSC (D-470) for payment. DSC (D-470) will submit the forms to DSC D-558 quarterly for payment of the royalty fees. Washington Office must provide DSC with the appropriate procurement codes to make obligations for payment.

(4) Records. The authorized officer must record freeze mark numbers on any official health documents as identified in subsection VI.D.2. and 3. above; BLM Form 4710-9, Private Maintenance and Care Agreement for Wild Horses or Burros; BLM Form 4700-11, Application for Title to Wild Horses and Burros; and Wild Free-Roaming Horse or Burro Certificates of Title.

b. Signalment Key. The signalment key is a system designed to supplement the freeze mark identification by providing a physical description of the animal. The signalment key describes the species, sex, distinctive markings, and color of the animal by number from each of the columns A to I below:

SPECIES	A	SEX	B	FACE 1/ WHORLS (A_2 ONLY)	C	LEGS	OFF		NEAR		FACE	H	COLOR	I
							FORE D	HIND E	FORE F	HIND G				
Horse	2	Gelding	1	One A_2	1	No white	0	0	0	0	No white	0	Black, brown bay, sorrel or chestnut	1
Burro	4	Female	2	Two A_2	2	White not nver top of fetlock	1	1	1	1	Top only	1	Roans, red or blue, gray, white	2
Hybrid	8	Male	3	Three A_2	3	White not over top of knee or hock	2	2	2	2	Middle only	2	Buckskin, dun, grulla, palomino	3
						White above hock or knee	3	3	3	3	Lower only	3	Appaloosa, paint, pinto, other	4
											Top and middle	4		
											Top and lower	5		
											Middle and lower	6		
											All three	7		

1/ In the description of the number of face whorls (A_2), only those whorls located below the point of the forelock and above the upper lip are to be counted.



(1) Example: The signalment key number for a bay mare with one A_2 face whorl, white hair above the left rear hock, and a star in the middle of her face, would be 221000321.

(2) Records. The authorized officer must use signalment key numbers to describe wild horses and burros to be adopted and must record the numbers on the forms listed in subsection VI.D.4.a.(5) above, with the exception of the official health documents.

c. Temporary Identification Number. As each wild horse or burro is prepared for adoption, it must be given a temporary identification number corresponding to the last four digits of its freeze mark number. The temporary identification number must be applied in the form of ear tags, neck chains, or hair clipping. No wild horse or burro may be transferred to other adoption centers without a temporary identification number.

(1) Records. As freeze marks are not easily read immediately after being applied, the corresponding temporary number may be used for identification of animals in all recordkeeping situations (i.e., health certificates, blood tests, immunization records, shipping invoices, etc.) until the animals are adopted.

5. Brand Inspections. Some States require animals to be inspected for brands before they may be transported across the State. The authorized officer may have the State brand inspector, where applicable, complete inspections of the animals for adoption prior to the adopters' arrival to expedite removal of the animals from the facility.

E. Adoption Application.

1. Adoption Information and Application Form. Adoption information is contained in the pamphlet, "So You'd Like to Adopt a Wild Horse . . . or Burro?" (Publication #1S #1). Accompanying the pamphlet is BLM Form 4710-10, Application for Adoption of Wild Horses or Burros (Illustration 3). The two documents are self-explanatory and together provide a potential applicant with sufficient information to determine whether he/she appears to be eligible as an adopter, how to apply, the costs involved, and the procedures.

a. Source. The information packet for the Adopt-A-Horse/Burro Program is maintained for public distribution by the Consumer Information Center (CIC), Pueblo, Colorado 81009, and CIC provides single copies upon request by the general public. Each BLM office should maintain a supply of adoption information packets for distribution to local individuals upon request. Packets may be obtained from the Denver Service Center (D-559-B).

b. Publicity Efforts. BLM field offices that are removing excess animals and those offices operating temporary and permanent adoption centers are responsible for Adopt-A-Horse/Burro Program publicity.

(1) Coordination. Program and public affairs specialists in field offices should coordinate all publicity efforts. Because of the nationwide scope of the program, coordination of publicity efforts should occur between those offices removing animals and those responsible for adoption centers. The offices involved should agree on which has lead responsibility.

(2) Schedule and Recommended Activities. Publicity efforts must be scheduled to anticipate the removal and availability of animals for adoption. The efforts should include news releases; public service announcements; personal appearances and interviews; show-me tours for television, radio, and print media, and personal contacts with the general public. Photographs, slides, videotapes, and movie film footage should be used whenever feasible. Field office publicity efforts are supplemented by similar nationwide activities by Washington Office Public Affairs.

2. Applicant Qualification Standards. To qualify for adoption of a wild horse or burro, an individual must be of legal age in his/her State of residence; have no prior violations of 43 CFR 4700 regulations nor prior convictions for inhumane treatment of animals; have adequate facilities and transport to humanely care for a wild horse or burro; and not have adopted more than four animals within a 12-month period, unless specifically approved by an authorized officer. The authorized officer for the jurisdiction of the applicant's residence (BLM State Offices and their jurisdictions are listed in Illustration 4) must determine that the applicant is qualified based upon information provided in the application (Form 4710-10) and BLM adoption records. As described in subsection VI.E.3.b.(1), under certain circumstances the authorized officer or contractor, where designated, for an adoption center may accept and review applications to determine qualifications.

a. Legal Age and Residency Status. Each applicant must certify on Form 4710-10 that he/she is of legal age in his/her State of residence. The applicant's birthdate is stated on the application form and the authorized officer may confirm the legal age requirements in the State if necessary. Each applicant must be a legal resident of the United States or its territories.

b. No Prior Convictions of Inhumane Treatment. Each applicant must certify on Form 4710-10 that he/she has not been convicted of abuse or inhumane treatment of animals. The authorized officer may verify the applicant's status with State or local humane officials if there is reasonable doubt.

c. Adequate Facilities and Transport.

(1) Water and Feed.

(a) Each wild horse or burro must have free access to at least 12 to 15 gallons of fresh water daily. The water must be available in a container that does not pose a hazard for the animal (e.g., no sharp corners). If the facility does not include an automatic watering system, the water should be supplied in a container large enough to require filling only twice daily.

(b) Trace mineralized salt blocks must be available at all times.

(c) Nutritional requirements vary with an animal's age, physiological condition, and level of work. About two pounds of good quality hay with 10 percent protein content per 100 pounds of body weight is required daily by an idle adult horse or burro. Supplemental nutrients must be provided for young, developing animals; pregnant or lactating animals; and active animals. Moldy, dusty, musty, or spoiled feed is prohibited.

(2) Shelter. Adopted horses or burros do not require elaborate shelter, but they must have protection from inclement weather in areas having sustained temperature extremes, heavy or frequently occurring precipitation, or frequent high winds and dust problems. In those areas, shelter is mandatory and must consist of, at a minimum, a windbreak or a three-sided structure having a shed-type roof with the structure's open side facing away from the direction of prevailing wind. In the Northeast, Great Lakes States, and Northern Plains States, the shelter must be a well-ventilated, fully enclosed barn or similar structure with at least 144 square feet available per horse or burro.

(a) A 144 square foot box stall is acceptable as long as it is well-drained, well-ventilated, cleaned regularly, and the animal is given daily exercise.

(b) The shelter must be free from protrusions (e.g., bolts, hinges, etc, that project into the facility) or objects that would pose a hazard to the animal.

(3) Space and Fencing. A minimum of 400 square feet must be provided for each animal maintained in a corral. Corral fencing must be at least 6 feet high for horses and 5 feet for burros. Lower fencing height (minimum of 4½ feet) is acceptable for animals between 6 and 18 months old if they are not maintained with older wild horses or burros. The corral must be constructed of rounded pipes, poles, wooden planks, or similar materials, and free of protrusions that would pose a hazard to the animal. Small mesh woven wire fencing with a sight board along the top is acceptable. Under no circumstances are large mesh woven or barbed wire corral enclosures acceptable. Corrals must be well-drained and cleaned regularly. Adopted horses and burros may not be released into pastures until they are tamed sufficiently so they would not attempt to escape when approached by individuals or other animals, and could be handled for medical or physical care.

(4) Transport. Adopters must provide their own vehicles or make private arrangements for vehicles to transport their assigned animals from the adoption centers. Transport vehicles may include both horse trailers and commercial livestock trailers. The vehicles must have adequate headroom and meet the standards described in 43 CFR 4740.2 and subsection V.F.2. to provide safe and humane transport of the animals. Animals must not be loaded into unsafe or substandard equipment.

d. Previous Adoptions. A permanent computerized adoption record is maintained by DSC. The record lists each adopter, freeze mark numnbers and signalment keys for the animals assigned, the date of adoption for each animal, and the date of death or date of title, if applicable. Before completing the adoption, the authorized officer must verify the number of animals, if any, previously assigned to the individual and the dates of the prior adoptions. If an adopter is under investigation, the word "HOLD" appears in the Animal Status section. No further animals may be assigned to such an adopter without clearance from the authorized officer. If an applicant requests five or more animals in any 12-month period, the authorized officer must follow the procedures in subsection VI.E.2.e. in evaluating the request.

e. Supporting Certification for Adoption or Maintenance of Five or More Animals.

(1) Requests for Adoption or Maintenance of 5 to 25 Animals. An applicant requesting to adopt 5 to 25 animals during a 12-month period must submit to the authorized officer having jurisdiction for the applicant's residence a written verification (see Illustration 5) from a veterinarian, local humane official, cooperative extension agent, or similarly qualified official certifying that the facilities where the animals would be maintained meet BLM's qualification standards and appear adequate for the number of animals requested. The authorized officer must provide the certifying official with copies of both BLM's standards and the applicant's completed application for adoption. The certifying official must provide a written description of the facilities inspected, including the dimensions of the corral, shelter, barn, or stall, and pasture, if applicable. The verification must note any discrepancies between the facilities inspected and those described on the application. The certifying official must provide his/her name, title, business address, and telephone number on the written statement. The applicant must pay any expenses incurred in obtaining the certification and meet all the qualification standards described in subsection VI.E.2. When 5 to 25 animals would be maintained at a single location, regardless of the number of applicants involved, the same supporting certification described above must be provided.

(2) Requests for Adoption or Maintenance of 25 or More Animals. If an applicant requests to adopt 25 or more animals during a 12-month period, the authorized officer must personally inspect the facilities where the animals would be maintained. The

authorized officer must follow the procedures described above and use the format specified in Illustration 5 to document the results of his/her inspection. If funding and personnel limitations preclude an inspection by the authorized officer, he/she may make arrangements for a qualified official to complete the inspection. When 25 or more animals would be maintained at a single location, regardless of the number of applicants involved, the authorized officer must follow the procedures and documentation format described above and inspect the facilities.

(3) Applicant's Statement. Each applicant, including each member of a group of applicants, requesting to adopt five or more animals within a 12-month period or maintain five or more animals in a single location must submit a signed statement using the format specified in Illustration 6 regarding his/her employment and reasons for requesting the animals.

3. Application Process.

a. Submission of Forms. An applicant must submit a nonrefundable guaranteed remittance of $25 as an advance payment toward the adoption fee and a completed application form, Form 4710-10, to Adopt-A-Horse/Burro, Bureau of Land Management, Post Office Box 25047, Denver, Colorado 80225. Under certain circumstances, applications may be filed directly with the adoption center where excess animals are available. Those procedures are described in subsection VI.E.3.b.(1).

(1) Review By Denver Service Center (D-470) User Representative. The application is reviewed for completeness by DSC personnel. If a problem exists with the advance payment, the applicant is not of legal age, a response is illegible, or the application is incomplete, the form and advance payment are returned to the individual for revision or clarification (see Illustration 7).

(2) Entry onto the Application List. Once an application is accepted, the applicant is assigned a 5-digit identification number to assist in computer processing. Identification numbers are assigned sequentially and appear on all subsequent correspondence issued by DSC. Information in Items 1 through 8 on the application form is entered onto a computerized listing of applications maintained by DSC within 10 working days of acceptance of the completed application. DSC sends a letter within 5 working days after the computer entry to the individual acknowledging receipt of the application and advance payment (see Illustration 8). DSC stamps the processing date on the application immediately above the word "burros" in the form's title. This stamp distinguishes applications accepted by DSC from those that may have been received directly by a field office. DSC forwards the application form within 5 working days after computer listing to the BLM State Office or other designated office (e.g., Palomino Valley Corrals) having jurisdiction for the applicant's residence.

b. Review of Applicant Qualifications. State Office personnel or, where delegated, district office personnel or contractors are responsible for reviewing the applicant's qualifications, as described in Items 9 through 14 on the application form. The office of jurisdiction for the applicant's residence may delegate responsibility for approval of the application to the authorized officer for the adoption center where the animals are available. A copy of the application form must be provided to the delegated official. Qualification standards for adoption are described in subsection VI.E.2. Applications should be reviewed for approval within 10 working days after receipt. The reviewer must contact each applicant by telephone or in person (see discussion below) to discuss the adoption program, eligibility requirements, and restrictions, including all conditions and terms of the adoption agreement. The nutritional needs of and facilities required by the animals requested must be described. The reviewer must determine that the applicant is aware of the costs associated with maintaining the number of animals requested. The reviewer must obtain from each applicant and document on his/her application form the location of the facilities (including street address, access directions, and owner's name) where the requested animals would be maintained. The reviewer may seek clarification of the information on the application form during the telephone conversation or by letter. The applicant must confirm in writing any additional information provided.

(1) Review of On-Site Applications. Applications may be accepted for review directly (on-site) by an authorized officer or contractor for an adoption center when all existing applications on file at DSC for animals from that location have been exhausted. The applicants must meet the qualifications specified in subsection VI.E.2. The reviewer must complete the "BLM Use Only" section and forward the forms to the State Office of jurisdiction for the applicant's residence within 5 working days of approval/disapproval. All other applications received by field offices should be forwarded to DSC for routine handling.

(2) Review of Power of Attorney Requests. Applicants may request to send someone acting in their behalf to select and transport animals to their residence. When five or more animals are requested, the applicants and their representative must submit in writing to the State Office of jurisdiction for their residence a summary of the age, sex, and number of animals requested by species; requested adoption date and center location; the names as they appear on the applications and telephone numbers of the applicants involved; a transportation plan that describes the rest stops, if any, and the transport vehicle; a distribution plan for delivering the animals to their assigned adopters; and the names, addresses, and a description of the experience of the individuals who would handle the animals during the transport and distribution. If the requested animals would be maintained at a single location, the applicants and their representative must also provide a concise statement describing the arrangements, including the duties and responsibilities of each participant, for maintaining the animals. Each applicant must submit a completed

power of attorney (Illustration 9) authorizing the designated person to act in his/her behalf. Each applicant must meet the qualification standards described in subsection VI.E.2. The authorized officer must use the checklist format in Illustration 10 to document receipt of the information described above and to approve or disapprove the request. If approved, the authorized officer must ensure that the animals requested will be available at the preferred location when requested or arrange another suitable schedule for the adoptions. Each applicant must be informed that the power of attorney arrangement for selection and transportation of the animals is a private contract over which BLM has no jurisdiction. Each applicant must be advised of BLM's adoption fees and informed that any other fees are a private arrangement with the representative.

(3) Approval/Disapproval of Applications. The authorized officer or contractor, where delegated, must complete the "BLM Use Only" section of the application form by stating that the application is approved or disapproved, signing, and dating the form. If the applicant does not appear to have adequate qualifications, the reviewer must identify the deficiency on the form in the "BLM Use Only" section. The authorized officer may conduct a physical inspection of the facilities or require the applicant to submit a written certification from a qualified official that the facilities where the animal would be maintained meet BLM's standards. When an application is disapproved, the authorized officer must issue a final decision by certified letter to the applicant within 10 working days and explain what qualification standard was not met. The applicant should be advised in the letter of the right to appeal the decision, and of the procedures and time limitations for appeal. The applicant also should be advised to submit a new application form if the deficiency is corrected. DSC must be requested to remove the individual's name from the application file by copy of the disapproval letter. The individual's name and address must appear in the letter exactly as submitted on the application form. DSC must remove the applicant's name from the list within 5 working days from receipt of the notice.

c. Application List Update. When an applicant adopts an animal (whether or not all of the animals requested are obtained), his/her name must be removed by DSC from the application file and entered on the adoption file. If an applicant requests in writing that his/her name be removed from the file or provides a change in address or telephone number, the information must be forwarded to DSC (D-470) for action. The update request must include the applicant's name exactly as it appears on the application file.

F. Transferring Animals for Private Maintenance.

1. Notification to Applicants of Available Animals.

a. Requesting Availability Notices. When excess animals for which an adoption demand exists (see subsection II.C.3.5.b.) are captured, the authorized officer responsible for placing the animals

must request the DSC (D-470) user representative to mail a sufficient number of availability letters (see Illustrations 11 and 12) to applicants on file requesting animals of the species, age, and sex available from that location. When requesting the letters, the authorized officer should confirm with DSC the name and location of the BLM or contractor's office; the telephone number, office hours, and days; exact adoption fee; and the adoption center name and State location as they are to appear in the availability letters.

b. Issuing Availability Notices. Availability letters must be sent by DSC within 5 working days of the request. A list of the individuals receiving the letters and a copy of the letter must be sent by DSC (D-470) to the requesting official at the time the letters are issued.

2. Adoption Arrangements With Approved Applicants.

a. Confirming Approval of Applicants. The authorized officer for the adoption center must confirm the approval of applicants with the State Office of jurisdiction for their residences unless application approval has been delegated to the center.

b. Review of Adoption Arrangements. When the applicant responds to an availability notice, the authorized officer should review with him/her the adoption procedures; specify any equipment the adopter must provide (halter, lead rope, etc.); advise of any restrictions on the vehicles to be used for transporting the animal (see 43 CFR 4740.2 and subsection V.F.2.); stipulate the form of adoption fee payment (e.g., guaranteed remittance); and briefly review the terms and conditions of adoption. The authorized officer should encourage the applicant to ask any questions he/she may have and provide thorough guidance on care, feeding, handling, and transport of the animals.

(1) Terms and Conditions of Adoption. The authorized officer must inform the applicant of the following terms and conditions of adopting excess wild horses and burros:

(a) The animals remain in Federal ownership for at least 1 year, at which time the adopter may apply for title.

(b) During the adoption period, the animals may not be exploited commercially; neglected, abandoned, or inhumanely treated; branded or otherwise marked permanently; or used as bucking stock.

(c) The adopters may not transfer their assigned animals to other individuals without prior approval from the authorized officer of jurisdiction.

(d) The adopters must inform the authorized officer of address changes or an animal's death within 7 days. If an adopter's veterinarian recommends that an animal be destroyed as an act of mercy due to injury, illness, or advanced age, the adopter must obtain approval from the authorized officer before proceeding. In emergency situations to prevent undue suffering, animals may be destroyed without prior approval of the authorized officer.

(e) The adopters are responsible for all expenses incurred in maintaining the animal and ensuring their proper care and treatment.

3. Adoption Fee and Transportation Costs. Individuals must pay the Bureau of Land Management a fee and transportation costs, if any, to adopt wild horses and burros from adoption centers. No fee or transportation cost is charged for unweaned offspring under the age of 6 months accompanying their mare or jenny. Orphan foals that require bottle feeding and intensive care to survive may be adopted at no fee only from the facility where they are prepared for adoption. An advance payment of a portion of the adoption fee must accompany each application for adoption submitted to DSC. Once DSC has accepted an application, the $25 advance payment is nonrefundable. No refunds for adoption fees are allowed, although replacement animals may be adopted under certain circumstances (see subsection VI.F.7.). All payments are to be by guaranteed remittance made payable to the "Department of the Interior--BLM." Funds collected for adoption fees (including advance payments) and transportation costs must be deposited to State YA, Office 900, Fund Symbol 145017.3, Available Year 41, subactivity 5120--Expenses, Adopt-A-Horse. Daily collections must be reported on BLM Form 1370-35, Collection Data Sheet (see Illustration 13). The collections and form are processed in accordance with BLM Manual 1372.

a. Adoption Fee. The adoption fee of $125 per horse or $75 per burro is required to reimburse the Federal Government for a portion of the following expenses: transportation from the capture site to an adoption preparation facility; adoption, including freeze marking, brand inspection, veterinary services, medical treatment, feed and handling, center facilities, and application processing; compliance activities to ensure proper care and treatment of adopted animals; and title application processing and issuance of titles. The $25 nonrefundable advance payment submitted with the adoption application (see subsection VI.E.3.a.) must be credited by the authorized officer or contractor to the cost of adoption when the applicant presents the acknowledgment letter (see Illustration 8). The acknowledgment letter must be forwarded to the office of jurisdiction by the authorized officer or contractor.

b. Transportation Costs. Funds for transportation costs must be collected from adopters for animals that are transferred to another center from the facility where they are prepared for adoption.

(1) Calculating Transportation Costs. The actual cost for transportation must be amortized based on shipments in truckload quantities. The authorized officers for centers receiving animals are responsible for determining the appropriate charge. The cost must be based on the average distance and the per mile rate for animals from varying locations scheduled for placement through the center. For example, the Eastern States Office may schedule burros from both California and Arizona. A weighted average distance based on the proportion of animals expected from each State should be used to determine the transportation costs per animal.

(2) Annual Review of Transportation Costs. In August of each year, the authorized officer for each year-round adoption center must establish the total fees to be collected for each animal during the following fiscal year. The authorized officer for each State Office of jurisdiction must inform the Division of Wild Horses and Burros (WO-250) by August 15 of each year of the total fee for each adoption center so brochures and availability letters may be revised accordingly. Fees for temporary and satellite adoption centers must be established by the authorized officer of jurisdiction 4 weeks prior to the center's use for publicity purposes and to allow time for DSC to prepare appropriate availability letters.

4. Animal Selection and Handling.

a. Appointment Schedule for Animal Selection. Approved applicants should be scheduled to select their animals by appointment to avoid conflicts over specific animals. Each applicant should be allowed at least 30 minutes to review the available animals. Upon arrival at the center, each applicant should be briefed on center safety procedures and accompanied to the viewing area for the animals of the appropriate species, age, and sex.

b. Animal Selection Procedure. Applicants should be encouraged to select animals of the species, age, and sex originally requested. However, the authorized officer or contractor should assess the applicant's skills and experience and recommend suitable animals. Applicants may be allowed to adopt animals other than those requested if they do not pre-empt other applicants by doing so.

c. Preparing the Animal for Loading. Once an animal is selected, its ear tag must be removed and it may be haltered, if appropriate, before it is released to the adopter. The halter must be provided by the adopter. The adopter's transport equipment must be inspected to ensure it meets the standards described in 43 CFR 4740.2 and subsection V.F.2.

5. Issuing the Agreement for Private Maintenance and Care. The adoption process is completed when Form 4710-9, Private Maintenance and Care Agreement for Wild Horses or Burros (PMACA), has been properly filled out and signed by both the adopter and the authorized officer for the adoption center (see Illustration 14).

a. Agreement Preparation. The adopter's name as it appears on the application list and mailing address must be printed in the top portion of Form 4710-9. The applicant identification number, as it appears on the acknowledgment letter (see Illustration 8), must be entered on the PMACA immediately above the double lines over the adopter's name. If the adopter was approved on-site, "N/A" must be entered for the applicant identification number. The street address and access directions for the location where the adopted animal(s) will be maintained must be entered in the "Notes" section if different from the adopter's mailing address. If the animal(s) will be maintained on property not owned by the adopter, the name of the property owner must be stated in the "Notes" section as well. Under the seventh item of the section, "Terms of this Agreement", the BLM State Office of jurisdiction address and telephone number must be entered.

b. Review of Agreement. Before the applicant signs the agreement, he/she must review carefully the terms of adoption and the prohibited acts listed on the adopter's copy of the form. The freeze mark and signalment key system should be reviewed by the authorized officer or contractor and the adopter's attention drawn to that section of his/her copy of the form. Each applicant represented by another individual with a power of attorney at the adoption must be contacted by telephone within 15 working days after the adoption by the authorized officer having jurisdiction for the applicant's residence. The authorized officer must verify that the applicant received his/her PMACA and assigned animals; review the terms and conditions of the PMACA; and provide the BLM office telephone number and location to contact if further assistance is needed.

c. Distribution of Form Copies. When the form has been completed and signed, the authorized officer must provide the fourth copy to the adopter; mail the third copy to DSC (D-470) within 5 working days; retain the second copy at the adoption center; and mail the original to the BLM State Office of jurisdiction for the applicant's residence within 5 working days.

d. Computerized File of Agreements. DSC maintains a computerized file of PMACA's and updates the file for reassignments and dates of title issuance or death of an animal. DSC (D-470) must be notified in writing within 5 working days of an adopter's change of address, reassignment of animals, cancellation of PMACA's, death of animals, or date of title issuance. The notification must list the adopter's name and address exactly as they appear on the PMACA, the identification number, and freeze mark numbers of all animals involved in the action. DSC must update the PMACA file to add new adopters or incorporate other actions within 5 working days of the written notice or receipt of the PMACA. When an adoption is added to the computer file, the adopter's name will be deleted from the application file.

e. Change of Jurisdiction for Adopter's Residence. When the authorized officer is informed by an adopter that he/she is moving and the new location is under the jurisdiction of another State Office, the authorized officer must forward the adopter's file (i.e., copy of the change of address notification to DSC, office of jurisdiction copy of the PMACA, copies of related correspondence, and the application for adoption) to the new State Office of jurisdiction. The file must be transferred within 5 working days of the adopter's address change.

6. Reassignment of Adopted Animals. An adopter may request that responsibility for assigned animals be transferred to another individual. A reassignment must be approved and a PMACA completed by the authorized officer of jurisdiction for the individual's residence. Reassignment procedures are described in subsection VII.D.4.b. No adoption fee reimbursement or other costs may be required by the adopter as a condition of reassignment.

7. Replacement of Adopted Animals. In spite of efforts to provide adopters with healthy animals, authorized officers or contractors may receive requests to replace for no fee wild horses and burros that die or must be destroyed within 60 days after adoption. Upon request, an adopter may receive replacement animals at no fee or transportation cost only if the adopter provides a veterinarian's statement that the animal died or must be destroyed due to a condition that existed at the time of adoption and that the adopter could not reasonably prevent the death by care; the request for replacement with substantiating veterinarian's statement is received no later than 3 weeks after the animal's death; and the adopter obtains the replacement animal from an adoption center at his/her own transportation expense.

8. Requests for Additional Animals. If an adopter has obtained only a portion of the animals originally requested, or if an adopter requests additional animals, the authorized officer may allow the adopter to obtain the additional animals without submitting a new application. The adopter's original application must reflect his/her current qualifications, which must be adequate for the total number of animals requested.

G. Granting Title.

1. Eligibility for Title of Ownership. Adopters who have provided excess wild horses or burros with proper treatment and humane care for 1 year under a Private Maintenance and Care Agreement are eligible to apply for titles of ownership. An adopter may be granted titles of ownership at the rate of four animals per 12-month period of adoption. Individuals who adopted animals prior to June 1980 (when the first titles were transferred) may receive credit for those years of humane care provided previously and request titles at the rate of four animals per year of adoption. For example, an adopter who obtained 20 animals in August 1978 would be eligible to request titles for all 20 of them at the end of August 1983.

2. Distributing Title Applications to Adopters. Each month, DSC will mail Form 4710-11, Application for Title to Wild Horse(s) and Burro(s), and a letter briefly explaining the procedures to follow (Illustrations 15 and 16) to adopters who have maintained animals for 12 months.

3. Review of Title Applications. Applications for title must be submitted to and processed by the authorized officer of jurisdiction for the applicant's residence. The authorized officer must carefully review the applications to ensure the accuracy of the freeze mark and signalment key numbers of the animals requested and that the veterinarian certification indicates the animals are receiving proper care and treatment. The authorized officer must consult the PMACA computerized summary or his/her official copy of the agreement, if available, to verify the number and date of titles, if any, previously issued to the adopter to avoid duplication or erroneous issuance of titles (e.g., for animals that have died, been reassigned or repossessed, etc.).

4. Issuance of Certificates of Title.

a. Approving an Application. If the information required on Form 4710-11 is complete and correct and the veterinarian's certification is affirmative, the application for title may be approved and a Certificate of Title (see Illustrations 17 and 18) issued. When an application is approved, the authorized officer must write in the upper righthand corner of the application, "Approved for Title on year/month/date" and sign his/her name as the approving official. The adopter's identification number, if assigned, must be entered immediately below the approving official's signature. (Adopters prior to December 1982 were not assigned applicant identification numbers.) The approving official must issue a separate Certificate of Title for each animal. The name and address of the adopter and the freeze mark number and signalment key must be entered on the Certificate, which must then be signed and dated by the authorized officer.

b. Distributing Application Form Copies. The application form should be retained by the authorized officer along with the PMACA and any other records relating to each adopter. A legible copy of the approved title application must be forwarded to DSC (D-470) within 5 working days for entry of the title date onto the computerized PMACA summary. The copy must show the identification number (if assigned) and the date of title in the upper right corner; the correct name and address of the individual must be circled (if different from the label appearing on the application as Item 1); and the proper freeze mark(s) and signalment key number(s) must be shown in Item 4.

5. Withholding Title. Requests for title may be denied if the applications are incomplete or the adopter's freeze mark or signalment key numbers do not match the PMACA. The authorized officer should encourage the adopter to provide the missing information and attempt to resolve problems of incorrect freeze mark numbers. Once the problems have been corrected, the application may be processed. A title application also may be denied because of ongoing improper care and treatment of the adopted animals. In this instance, the authorized officer must begin immediately to repossess the animals (see subsection VII.D.4.c.). Past instances of improper care that were corrected do not disqualify an adopter for title.

6. Delaying Distribution of Title Application. If an adopter is under investigation for suspected violations of the law, regulations, or PMACA, the authorized officer of jurisdiction for the applicant's residence must immediately notify DSC (D-470) to place a "hold"on that adopter until further notice. This action prevents those persons under investigation from receiving an offer for title while under investigation. If as a result of the investigation the adopter is cleared, the authorized officer must notify DSC (D-470) to issue a title application. DSC must be provided the adopter's complete name, address, and freeze mark numbers of the animals assigned exactly as they appear on the PMACA. The notification to DSC may be made by telephone but it must be confirmed in writing within 5 working days.

VII. Compliance and Enforcement

A. Purpose. This section describes the policies and procedures that ensure the protection of wild free-roaming horses and burros on the public lands and the humane care and proper treatment of excess wild horses and burros for which titles of ownership have not been transferred to the individuals privately maintaining the animals.

B. Objectives. The objectives of compliance actions are to determine whether adopters of wild horses and burros are adequately meeting the terms of the Cooperative Agreement (Form 4710-9, August 1980) or Private Maintenance and Care Agreement (Form 4710-9, October 1982), and to take corrective action to resolve problems. The objectives of enforcement are to provide protection from capture, branding, harassment, or death to wild free-roaming horses and burros on the public lands, and from inhumane treatment to wild horses and burros in private maintenance, through prosecution of violations of the laws and regulations governing wild horse and burro management.

C. Protection of Animals on Public Lands. Reserved.

D. Protection of Animals Under Private Maintenance. The primary method for ensuring humane care and proper treatment for adopted wild horses and burros is the compliance inspection. Compliance verification is accomplished by investigation of all reported problems and on-the-ground visits to adopters as funds and personnel permit; a physical inspection of adopted animals; and an inspection of the facilities and conditions under which an adopted animal is maintained.

1. Compliance Personnel Qualifications. Those individuals conducting compliance inspections must be knowledgeable about general animal husbandry practices; the care, treatment, and facilities necessary for properly maintaining a horse or burro; interpreting the Alpha-angle freeze mark; identifying horses and burros by physical markings; the requirements of the Cooperative or Private Maintenance and Care Agreement (Form 4710-9); the courses of action available to remedy problems; rudimentary investigative techniques including preservation of evidence; and adoption and titling procedures. This knowledge may be acquired by education, experience, and/or Bureau training. Compliance personnel must also be skilled in handling horses and burros. Authorized officers are encouraged to establish memorandums of understanding (see Illustration 19) to utilize objective individuals or organizations meeting the qualifications described above to conduct on-the-ground inspections on BLM's behalf.

2. Coordination of Compliance Activities. Because of the close relationship between compliance and enforcement activities, coordination between wild horse and burro program staff and various law enforcement staffs is essential.

a. Coordination within BLM. Although compliance verification is primarily an administrative function of the wild horse and burro program staff, personnel assigned to conduct inspections should coordinate and review procedures with their State Office program specialist and resource protection staff. The resource protection staff should explain the distinction between the adopter's obligations under the terms of the Private Maintenance and Care Agreement (PMACA) and his/her legal rights. The staff should also explain the types of criminal violations that may be encountered and BLM's legal responsibility for investigating such violations. The circumstances under which compliance personnel must seek law enforcement assistance should be clearly identified and the appropriate procedures established.

b. Coordination with Local Governments and Humane Organizations. Compliance personnel should become acquainted with local law enforcement officials and humane society officials in their area of jurisdiction. The local officials should be briefed on the wild horse and burro program and the purpose for compliance activities. Local officials may be able to provide useful information concerning adopters in their area. Full-time compliance officers also should become familiar with local humane laws and ordinances.

c. Coordination with the U.S. Attorney's Office. The State Director, Chief of the Division of Operations, and the Special Agent in charge of the resource protection staff should meet with the U.S. Attorney for their area of jurisdiction. State Directors having multiple-State jurisdictions should meet with attorneys for the areas where a concentration of adopters occurs. The U.S. Attorney should be briefed on the wild horse and burro program, its scope in the area, and previous violations of the Wild Free-Roaming Horse and Burro Act. The number of wild horses and burros under adoption and their general distribution should be described. The State Director should stress the importance of the U.S. Attorney's Office in supporting prosecutive actions, when warranted. A joint agreement should be reached concerning those violations which may be satisfactorily resolved by administrative remedies rather than prosecutions. It would be helpful to obtain agreement on which prosecutive actions may require that BLM maintain animals for evidence rather than reassign them. The State Director and the U.S. Attorney should designate personnel on their respective staffs to coordinate actions between the two offices.

3. On-the-Ground Inspections. Although it is possible to gather some compliance information by telephone, the actual physical inspection of adopted animals and their facilities is essential to meet the objectives of compliance actions.

a. Identifying Adopters to be Inspected.

(1) Required Inspections. Each BLM State Office of jurisdiction must conduct on-the-ground compliance inspections whenever a complaint concerning care, treatment, or use of an adopted animal is received. Compliance inspections by BLM personnel also must be conducted within preferably 6 months but no more than 12 months for all adopters who obtained 25 or more animals within a 12-month period or for adopters having 25 or more animals maintained in a single location.

(2) Optional Inspections. When Bureau travel funds and personnel are available, additional on-the-ground inspections may be made in the following priority:

(a) Adopters who did not personally sign their Cooperative Agreements or PMACA's, nor have a personal interview at the time of adoption (such as power of attorney adopters).

(b) Adopters maintaining five or more animals.

(c) Other adopters located in the same general area as those being inspected for the above reasons.

(d) Randomly selected adopters.

(3) Inspection of Forest Service Animals. Unless a memorandum of understanding on compliance activities is developed with the Forest Service regional office, inspections should not be scheduled for animals with freeze mark numbers from 975,001 through 999,999. However, if Forest Service animals are encountered during an inspection of BLM animals, they should be included in the compliance check and the results reported to the appropriate Forest Service office.

b. Scheduling Inspections. Judgment should be exercised in deciding to make an unannounced compliance inspection. Unless the adopter is the subject of a complaint about facility conditions or improper use (such as at a rodeo for bucking), the inspection is equally productive when an appointment is made in advance. Scheduled appointments minimize wasted time and travel expenses and give the adopter an opportunity to assemble any information he/she may wish to provide at the inspection.

(1) Arrangements with Adopters. When scheduling appointments, the compliance personnel should explain the purpose of the inspection and what information will be documented (see Illustration 20). It should be stressed that the inspections include both the assigned animals and the facilities where they are maintained. Arrangements must be made with the adopter to make each assigned animal available for physical inspection. The adopters should be asked to have their Cooperative Agreements or PMACA's available for review during the inspection.

(2) Private Maintenance Agreement Review. Prior to the inspections, the authorized officer should review BLM's copy of each adopter's private maintenance agreement, if possible, and any related correspondence. The agreement should be checked against DSC's record and discrepancies noted. Adopter records prior to April 1978 may pose problems such as inaccurate name, address, or number and description of animals assigned.

(3) Noncooperation from Adopters. If an adopter refuses to allow an inspection of the assigned animal or his/her facilities, the State Office resource protection staff should be contacted before any further action is taken.

c. Inspections of Facilities and Adopted Animals.

(1) Verification of Information. To begin a compliance inspection, the compliance officer should review the private maintenance agreement with the adopter and resolve any discrepancies concerning names, addresses, and description and number of animals assigned. The adopter should be encouraged to ask any questions about his/her obligations and to relate any experiences concerning the adopted animal's health, care, or training.

(2) Inspection of Facilities. The adopter's facilities should then be inspected for humaneness and adequacy of the food, water, shelter, sanitation, and fencing.

(3) Inspection of Adopted Animals. The adopted animals must be available for an examination sufficient to determine freeze mark (if applicable and possible) and physical markings; and physical condition including alertness and general appearance.

(4) Results of Inspection. When the inspection is completed, the adopter should be advised of the results. Problems should be discussed and the courses of action to correct them outlined. The adopter should be informed that a copy of the inspection report will be provided to him/her.

(5) Application for Title. Title application procedures should be reviewed.

4. Followup Actions. Compliance inspections may reveal problems requiring further administrative or legal action by BLM. Administrative solutions should be utilized whenever feasible. Courses of action involve the following specific procedures:

a. Required Corrective Actions by Adopters. Corrective actions by an adopter may be required when an animal is not receiving proper care or is being maintained in unsatisfactory facilities. The compliance officer must document the problems during an on-the-ground inspection and determine if the adopter is willing and able to correct them. A reasonable time limit must be established for the adopter to resolve the problems before a followup inspection is scheduled. The problems, required corrective actions, and time limit must be confirmed with the adopter in writing by BLM. Recommended format for the written notice for corrective action is presented in Illustration 21.

(1) Required Supervision. The authorized officer may require an adopter to place the animal under a veterinarian's supervision or initiate monitoring by a humane society official or similarly qualified person who would regularly observe the animal and report to the authorized officer on its condition. Depending upon the monitoring results, a followup inspection by BLM personnel may not be necessary.

(2) Resolution of Problem. If the problems are resolved, the animal may remain assigned to the adopter. If the problems are not satisfactorily resolved or significant improvement does not occur, the animal should be reassigned or repossessed.

b. Reassignments. Reassignments become necessary when adopters are either no longer willing or no longer able to maintain their animals. A reassignment transfers responsibility for an adopted animal from the individual of record on the Cooperative Agreement or PMACA to another individual who has submitted an application and meets the adoption qualifications. The former adopter's agreement must be voluntarily relinquished or canceled by decision (see section VII.D.4.c. below). A PMACA must then be issued to the replacement adopter. The replacement adopter may not be required to reimburse, as a condition of reassignment, any fees or expenses the former adopter may have paid.

(1) Locating Replacement Adopters. Adopters may recommend individuals interested in obtaining their animals or BLM's computerized application file maintained by DSC may be used to locate other adopters. However, until a replacement adopter is located and his/her application is approved, the adopter of record should maintain the assigned animal if at all possible.

(2) Animals Being Maintained Without a Private Maintenance Agreement. Although the private maintenance agreement requires adopters to contact BLM for approval before transferring their animals, many neglect to do so. Compliance personnel may locate wild horses and burros being maintained by individuals without PMACA's. In those cases, an effort should be made to identify the animal and its status on BLM's records and to determine from whom the animal was obtained.

(a) If the animal was transferred without BLM approval and title has not been issued, the adopter of record must be identified, if at all possible, and his/her Cooperative Agreement or PMACA canceled by voluntary relinquishment or decision.

(b) The person maintaining the animal must complete an Application for Adoption of Wild Horses or Burros (Form 4710-10, June 1982), and meet the adoption qualifications. A PMACA may then be issued to complete the reassignment. If the person can provide official documentation such as a veterinarian's certified statement that indicates the period of time that the animal has been maintained humanely by him/her, then that date may be used on the PMACA.

(c) DSC (D-470) must be notified by copy of the PMACA within 5 working days of the date of reassignment. The name of the former adopter (exactly as shown on BLM's records) must appear in the "Reassignment" section of the agreement.

(d) If the animal is being improperly maintained by an individual without a private maintenance agreement, the compliance officer should follow the procedures described in section VII.D.4.a. or c. In this instance, however, the individual responsible is the adopter of record, until an official reassignment can be made.

c. Repossession. Repossession removes responsibility for, and physical possession of, the assigned animal from the adopter. An adopted animal must be repossessed by BLM if the animal's health and well-being are in immediate jeopardy, or if the adopter does not satisfactorily resolve problems concerning improper care and inadequate facilities within a reasonable time. The compliance officer must use judgment in determining when an animal should be repossessed. For serious violations or if adopter resistance to repossession is anticipated, the compliance officer should consult with the State Office resource protection staff before taking action.

(1) Relinquishment of Private Maintenance Agreement. When an animal must be repossessed, the adopter should be encouraged to voluntarily relinquish the private maintenance agreement. A request for relinquishment may be combined with a decision to cancel the agreement effective 30 days from the decision date (see Illustrations 22, 23, and 24). Until the relinquishment is received or the decision takes effect, the adopter would maintain possession of the assigned animal.

(2) Immediate Repossession. If an animal's health and well-being are in jeopardy because of the adopter's lack of interest, facilities, or capabilities, the animal must be repossessed immediately. The private maintenance agreement must be canceled by a decision placed in full force and effect at the time of repossession, if the adopter will not voluntarily relinquish the agreement. The decision may be appealed to the Interior Board of Land Appeals by the adopter within 30 days (see Illustrations 25, 23, and 24), but remains in effect pending a decision on the appeal.

(3) Reassignment of Repossessed Animals.

(a) When a decision is made to repossess an animal, the compliance officer should locate a qualified applicant to adopt the animal. The animal may be assigned to the new adopter by PMACA as soon after repossession as its physical condition allows.

(b) No adoption fee will be collected for repossessed animals that are maintained temporarily at a BLM-owned or contract adoption center before reassignment. BLM's office of jurisdiction is responsible for the cost of maintaining a repossessed animal until reassignment is completed.

(c) If the original adopter successfully appeals the decision to repossess and requests an animal which has already been reassigned, the BLM office of jurisdiction should assign him/her a similar animal as soon as possible.

d. Prosecutive Evaluations. If criminal violations of the private maintenance agreement are found, the compliance officer should notify the resource protection staff, District Manager or State Director, and the Regional or Field Solicitor. They should review the case and identify any additional documentation which may be required for prosecutive evaluation by the U.S. Attorney. Consultation with the U.S. Attorney's Office may be necessary to determine if the animal involved should be repossessed and reassigned to another adopter, or if it must be maintained by BLM as evidence in the event of prosecution.

e. Reports of Escape, Theft, or Death of Adopted Animals.

(1) Escape. If an adopter notifies the authorized officer of the escape of an adopted animal, the authorized officer should obtain the animal's freeze mark number, date of escape, location of the facility where the animal was maintained, and any actions taken by the adopter (e.g., attempts to locate or recapture the animal, notification to local sheriff or humane official, etc.). The adopter must be informed that he/she must make all reasonable efforts to recapture the animal and inform the authorized officer of the results. If capture attempts are unsuccessful and the animal could jeopardize the safety of people or cause extensive property damage, the authorized officer should make arrangements to have the animal destroyed humanely.

(2) Theft. If an adopter notifies the authorized officer of the theft of an adopted animal, the authorized officer must request the adopter to report the theft to the appropriate local law enforcement official, and provide the freeze mark number and details of the theft. The authorized officer must verify that a report is filed with a local law enforcement official and that the official has reported the theft and freeze mark number to the National Crime Information Center. The authorized officer or law enforcement official should notify all local animal sale operators, brand inspectors, and slaughterhouse operators and provide them with the animal's description and freeze mark number, and a telephone number to contact if they should encounter the animal.

(3) Death. An adopter must notify the authorized officer of the death of an adopted animal within 7 days of the discovery of death. The adopter must provide a written statement from a veterinarian describing the apparent cause of death. If the circumstances surrounding the animal's death are suspicious, the authorized officer should conduct an investigation. During the course of a compliance inspection, the authorized officer may discover that an adopter has failed to notify BLM of an animal's death. The authorized officer should obtain the date of death, apparent cause of death, and method of carcass disposal from the adopter.

5. Documentation. The format shown in Illustration 20 must be used to document the results of on-the-ground compliance inspections. Results of followup actions and notifications of adopted animals' escape or theft must be documented as well. Copies of inspection reports and followup summaries must be provided to adopters. Cooperative Agreements or PMACA's must be corrected to reflect reassignments or deaths of adopted animals, or adopters' name and address changes. Revised copies of the private maintenance agreement must be forwarded to the adopters and DSC (D-470) within 5 working days of the revision. Letter and telephone efforts to locate adopters should be documented.

6. Recordkeeping. All compliance records and documentation of death, theft, or escape of adopted animals must be maintained with the respective private maintenance agreements by the BLM office of jurisdiction. If the agreements are maintained in a different office than that of the compliance personnel, duplicate files may be necessary.

Glossary of Terms

-A-

act: The Act of Decermber 15, 1971 (16 U.S.C. 1331-1340), as amended, commonly referred to as the Wild Free-Roaming Horse and Burro Act.

adoption demand: The total number of animals of each species, age, and sex requested in applications submitted to the Bureau of Land Management.

aircraft: A self-propelled machine designed for flight.

appropriate management level: The median number of adult wild horses or burros to be maintained by herd management area.

authorized officer: Any employee of the Bureau of Land Management to whom has been delegated the authority to perform the duties described herein.

-B-

band: A group of wild horses or burros running together or a lone wild horse or burro.

-E-

effective population number: A numerical expression of the reproductive size of a population, based on the relative numbers of males and females which participate in breeding, and thus contribute to the genetic makeup of the population.

excess wild horses or burros: Wild free-roaming horses or burros (1) which have been removed from an area by the authorized officer pursuant to applicable law, or (2) which must be removed from an area in order to attain the appropriate management level.

-H-

herd: One or more bands using the same general area.

herd area: The geographic area identified as having provided habitat for a herd in 1971.

herd management area: A herd area identified in an approved land use plan where wild horses or burros will be maintained and managed.

herd management area plan: An activity plan which addresses the management of wild horses or burros and their habitat on one or more herd management areas.

home range: That portion of a herd area used by a particular horse or burro or a band of horses or burros.

-I-

inhumane treatment: Causing physical stress, injury, or death to a wild horse or burro through any harmful action or omission that is not compatible with standard animal husbandry practices; or failing to treat or care for a sick or injured animal.

-L-

lame wild horse or burro: A wild free-roaming horse or burro with malfunctioning limbs that impair permanently its freedom of movement.

-M-

minimum feasible level of management: The least amount of improvement, population manipulation, and control necessary to meet the objectives identified in resource management plans and herd management area plans.

motor vehicle: A self-propelled machine, with or without a trailer, designed for use on land or water.

-O-

old wild horse or burro: A wild free-roaming horse or burro characterized because of age by its physical deterioration, inability to fend for itself, suffering, or closeness to death.

-P-

polygynous: Characterized by having more breeding females than breeding males.

private maintenance: The provision of proper treatment and humane care by qualified individuals to excess wild horses and burros under the terms and conditions specified in Private Maintenance and Care Agreement (formerly entitled, "Cooperative Agreement"), Form 4710-9 (synonymous with adoption).

public lands: Any lands or interests in lands administered by the Secretary of the Interior through the Bureau of Land Management.

-Q-

qualified individual: A person of legal age in his or her State of residence. who has not been convicted of inhumane treatment to animals, and who the authorized officer can be assured will adopt an excess wild horse or burro and provide humane treatment and care, including proper transportation from the adoption center, feeding, and handling.

-S-

sick wild horse or burro: A wild free-roaming horse or burro with failing health, infirmness, or disease from which there is little chance of recovery.

-W-

wild free-roaming horses and burros: All unbranded and unclaimed horses and burros that use public lands as all or part of their habitat or that have been removed from these lands by the authorized officer but have not lost their status under section 3 of the act.

wild horse or burro range: A herd management area designated by the Director and managed principally, but not necessarily exclusively, for wild horses and burros.

FORMAT FOR
WILD HORSE AND BURRO
HISTORY AND HEALTH RECORD

Illustration 1

Temporary I.D. No:_____ Freeze Mark No:_____

Species: ___ Horse Sex: ___ Male Age: _____

___ Burro ___ Female

___ Hybrid ___ Gelding

Physical Description:

_____

This animal was captured in _____ County, State of _____

during Month, Year. For more information about the capture area write:

Bureau of Land Management
_____ District Office
Street Address
City, State Zip Code

All inquiries about maintaining your adopted animal and obtaining title to it should be addressed to:

Bureau of Land Management
_____ State Office
Street Address
City, State Zip Code

Telephone:

Following is a summary of immunizations and their dates and other treatments your animal has received. Booster vaccinations must be given within 8 weeks for the immunizations to be effective. Otherwise, the treatments must be started over.

EQUINE INFECTIOUS ANEMIA TEST RESULTS*: _____ DATE: _____

	IMMUNIZATIONS				
Eastern & Western Encephalomyelitis	Tetanus	Influenza	Rhinopneumonitis	Other	WORMING

*Coggins test

Consult your veterinarian for a health maintenance program, including tooth care, tailored to your animal's needs.

USDI BLM
DSC 4740-1
(December 1977)

WILD HORSE AND BURRO FREEZE MARK NUMBER ASSIGNMENT AND PAYMENT RECORD

Illustration 2

Date of Marking	Temporary I.D. No.	Freeze Mark Number								*Signalment Key No.									Action Date	Action Taken			
										A	B	C	D	E	F	G	H	I		Died	Destroyed	Adopted: Cooperator Name	State

Total Freeze Mark No's Used This Page __________

State ______________________________

District ___________________________

Appropriation Charge ______________________

I certify that the freeze mark numbers shown on this page were applied to wild horses and/or burros.

______________________________ Signature, Authorized Officer ____________ Date

*SIGNALMENT KEY

Species	[A]	Sex	[B]	Face whorls A^2 only	[C]	Legs	Off Fore [D]	Off Hind [E]	Near Fore [F]	Near Hind [G]	Face	[H]	Color	[I]
						No white	0	0	0	0	No white	0	Black, Brown, Bay, Sorrel or Chestnut	1
Horse	2	Gelding	1	One A^2	1						Top only			
											Middle only	2		
						White not over top of fetlock	1	1	1	1	Lower only	3	Roans, Red or Blue, Grey, White	2
Burro	4	Female	2	Two A^2	2						Top and middle	4		
						White not over top of knee or hock	2	2	2	2	Top and lower	5	Buckskin, Dun Grulla, Palomino	3
Hybrid	8	Male	3	Three A^2	3						Middle and lower	6		
						White above hock or knee	3	3	3	3	All three	7	Appaloosa, Paint, Pinto, Other	4

DISTRICT OFFICE COPY

Illustration 3-1

Form 4710-10
(August 1982)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004-0042
Expires: December 31, 1984

APPLICATION FOR ADOPTION OF WILD HORSE(S) OR BURRO(S)

1. Name *(Last)* *(First)* *(M.I.)*

2. Birth Date Yr Mo Day

3. Street Address or P.O. Box

4. City State Zip Code

5. Home phone *(include area code)*

6. Business phone *(include area code)*

7. Animals desired for adoption *(maximum of four per year)*

	MALES	FEMALES	MOTHER AND UNWEANED FOAL
HORSES	Number:	Number:	Number of Pairs:
	Maximum Age:	Maximum Age:	Maximum Age of Mother:
BURROS	Number:	Number:	Number of Pairs:
	Maximum Age:	Maximum Age:	Maximum Age of Mother:

8. To which State are you willing to travel to pick up the animal *(check appropriate box)*:

__ Arizona __ Idaho __ Nevada __ Pennsylvania __ Utah
__ California __ Montana __ New Mexico __ Tennessee __ Washington
__ Colorado __ Nebraska __ Oregon __ Texas __ Wyoming

NOTE: Horses are available *infrequently* in Arizona, Colorado, Idaho, Montana, New Mexico, and Utah. Burros are available *primarily* in Arizona, California, Nebraska, Oregon, Pennsylvania, Tennessee, Texas, and Washington. Animals with unweaned foals are available *infrequently*.

9. Describe in detail the equipment you will use to transport the animal from the adoption center:

10. Describe:

(a) – type of hay you will use:
(b) – amount of feed per day you will provide:
(c) – the water facility and quantity available daily:

11. Describe the facilities where the animal will be maintained, specifically:

(a) – corral size, fencing materials, and height:
(b) – pasture size, fencing materials, and height:
(c) – shelter, barn, or stall dimensions:

12. Are you able to accept full responsibility for animal's welfare and all costs associated with maintaining it? __ Yes

13. How do you intend to use the animal?

14. Do you understand that the horse or burro is completely wild and should be gentled? __ Yes

I CERTIFY That I have not been convicted of abuse or inhumane treatment of animals; that I have adequate facilities and ability to care for a wild horse or burro; that I am of legal age in my State of residence; and that the above statements are true and accurate to the best of my knowledge.

(Signature of Applicant) (Date)

Driver's License No.:

State Issued:

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representation as to any matter within its jurisdiction.

FOR BLM USE ONLY

Application *(check appropriate box)* __ Approved __ Disapproved *(If "disapproved," give reason.)*

(Signature of Authorized Officer) (Date)

(Instructions on reverse)

Enclosure 1-81

INSTRUCTIONS

1. Read carefully information provided in the pamphlet, *"So You'd Like to Adopt a Wild Horse...or Burro?"*
2. Read carefully the Prohibitions on Use and Disposal of Wild Horses and Burros, described below.
3. Submit your completed application to:

   Bureau of Land Management
   Denver Service Center
   P.O. Box 25047
   Denver, Colorado 80225

4. Notify the Bureau of Land Management office above within 10 days of any change in the address or telephone numbers indicated in this application.

PROHIBITIONS ON USE AND DISPOSAL OF WILD HORSES AND BURROS

Wild horses and burros are protected by Public Law 92–195, as amended, until titles for adopted animals are transferred from the U.S. Government. ANY PERSON WHO commits any of the following violations is subject to a maximum penalty of $2,000 fine, or 1 year imprisonment, or both.

- Willfully removes or attempts to remove, without authorization, a wild horse or burro from the public lands;
- Maliciously kills or harasses a wild horse or burro;
- Converts a wild horse or burro to private use without authorization;
- Commercially exploits a wild horse or burro;
- Processes or permits to be processed into commercial products the remains of a wild horse or burro;
- Sells directly or indirectly a wild horse or burro or its remains;
- Removes or attempts to remove, alters, or destroys the official identification mark of a wild horse or burro or its remains;
- Causes or is responsible for inhumane treatment of a wild horse or burro;
- Uses a wild horse or burro for bucking stock;
- Fails to produce an assigned wild horse or burro for inspection upon written request by a BLM official;
- Abandons without proper arrangements for food, water, and shelter an assigned wild horse or burro;
- Being assigned a wild horse or burro, fails to make adequate attempts to capture the animal if it escapes;
- Fails to notify the BLM of the death of an assigned wild horse or burro within 7 days of its death;
- Accepts for slaughter a wild horse or burro having an official BLM identification mark without a Certificate of Title for the animal;
- Being the manager/owner of a slaughterhouse or rendering plant, fails to retain for 1 year the Certificate of Title for any officially identified wild horse or burro accepted for slaughter or destruction.

NOTICE

The Privacy Act of 1974 and the regulation 43 CFR 2.48(d) provide that you be furnished the following information in connection with the information required by this application:

AUTHORITY: 16 U.S.C. 1333

PRINCIPLE PURPOSE: The information is used to process your application to privately maintain an excess wild horse or burro.

ROUTINE USES: (1) Documentation for public information; (2) Information from the record and/or the record will be transferred to appropriate Federal, State, or local agencies when relevant to civil, criminal or regulatory investigations or prosecutions.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, your application cannot be processed.

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.) requires us to inform you that:

This information is being collected to process your application to adopt a wild horse or burro.

This information will be used to determine your qualifications to provide proper care to a wild horse or burro.

Response to this request is voluntary.

GPO 838-809

GEOGRAPHIC JURISDICTIONS AND MAILING ADDRESSES OF BUREAU OF LAND MANAGEMENT STATE OFFICES

ALASKA:
701 C Street
Box 13
Anchorage, Alaska 99513

ARIZONA:
2400 Valley Bank Center
Phoenix, Arizona 85073

CALIFORNIA:
Federal Building
2800 Cottage Way
Sacramento, California 95825

COLORADO AND KANSAS:
1037 20th Street
Denver, Colorado 80205

STATES EAST OF THE MISSISSIPPI RIVER, PLUS IOWA, MINNESOTA, MISSOURI, ARKANSAS, AND LOUISIANA:
Eastern States Office
350 South Pickett Street
Alexandria, Virginia 22304

IDAHO:
3380 Americana Terrace
Boise, Idaho 83706

MONTANA, NORTH DAKOTA, AND SOUTH DAKOTA:
222 North 32nd Street
Post Office Box 30157
Billings, Montana 59107

NEVADA:
Federal Building
300 Booth Street
Post Office Box 12000
Reno, Nevada 89520

NEW MEXICO, OKLAHOMA, AND TEXAS:
Joseph M. Montoya Federal Building
South Federal Place
Post Office Box 1449
Santa Fe, New Mexico 87501

OREGON AND WASHINGTON:
825 N.E. Multnomah Street
Post Office Box 2965
Portland, Oregon 97208

UTAH:
University Club Building
136 East South Temple
Salt Lake City, Utah 84111

WYOMING AND NEBRASKA:
2515 Warren Avenue
Post Office Box 1828
Cheyenne, Wyoming 82001

Format for Certifying Adequacy of Adoption Applicant Facilities

Illustration 5

(Instructions: Items 1-5 to be completed by BLM authorized officer; Items 6-7 by certifying individual. Any discrepancies between facilities inspected and representations on the application form are to be noted in the appropriate section.)

1. Applicant identification number: _____

2. Applicant's full name and mailing address:

_____

_____

_____

3. Location where animals would be maintained (if different)

_____

_____

4. Home phone: ( ) _____ Business phone: ( ) _____

5. Number of animals requested: _____male/_____female wild horses, up to _____ in age

_____male/_____female wild burros, up to _____ in age

6. Description of facilities:

a. Corral

size _____ fencing height _____

fencing materials _____

drainage /__/adequate /__/inadequate because _____

safety hazards (if any) _____

b. Pasture

size _____ fencing height _____

fencing materials _____

safety hazards (if any) _____

c. Shelter

check one: /__/3-sided windbreak /__/barn /__/box stall /__/other _____

size _____

ventilation /__/adequate /__/inadequate because _____

drainage /__/adequate /__/inadequate because _____

safety hazards (if any) _____

d. Water Source

container size and shape _____

provisions for refilling _____

safety hazards (if any) _____

e. Feed

kind of feed to be used _____ Amount/day _____

7. Certification:

I, _____, am qualified by education, training, and/or experience to assess the adequacy of facilities for maintaining adopted wild horses or burros. I certify that I have examined the facilities described above, and based on BLM standards judge them /__/adequate /__/inadequate to maintain the number of animals requested.

Inspection conducted by: _____
(signature)

Title: _____

Business address: _____

_____

Telephone number: ( ) _____ Date: _____

Illustration 6

Wild Horse and/or Burro
Adoption Applicant Employment Statement

This statement must be signed if you plan to adopt five or more animals within a 12-month period or to maintain five or more animals in a single location. Please check the box by the appropriate statement and provide the information requested.

☐ I am employed by or engaged in a business other than a livestock auction house, rodeo, or slaughterhouse.

☐ I am employed by or engaged in a livestock auction house, rodeo, or slaughterhouse. I am applying to adopt or maintain five or more wild horses and/or burros for the following reason(s):

_____

_____

_____

_____

_____

Please print your name and address as they appear on your adoption application form:

_____

_____

_____

Signature _____

Date _____

Enclosure 1-87
Revised August 1983

Illustration 7

DSC ADOPTION APPLICATION REVIEW LETTER

Dear Applicant:

Thank you for the enclosed application to adopt a wild horse or burro. However, we are unable to accept your application for the following reason(s):

( ) Item(s) _____ on your application was (were) not completed. Please complete the item(s) indicated and return the application and your advance payment in the enclosed envelope.

( ) You did not provide your driver's license number or record the State in which it was issued. Please complete the information and return the application and advance payment in the enclosed envelope.

( ) You did not sign the application. Please sign the application and return it and your advance payment in the enclosed envelope.

( ) A $25 advance payment was not included with your application. Please return your application and the advance payment (in the form of a guaranteed remittance) in the enclosed envelope.

( ) Your advance payment was not acceptable because: _____. Please correct the problem and return your application and advance payment in the enclosed envelope.

( ) Other: _____

Thank you for your interest in the Adopt-A-Horse/Burro Program.

Sincerely,

Service Center Director

Enclosure

Illustration 8

ACKNOWLEDGMENT LETTER

Applicant I.D.:

Dear Applicant:

We have received your $25 advance payment and recorded your application to adopt a wild horse or burro. Applications are processed in the order received, and adoption opportunities are offered according to the availability of the species, age, and sex of the animals you requested.

Your qualifications as an adopter will be reviewed by an official from the Bureau of Land Management (BLM) office listed below. You will be notified if your application is not approved.

If your application is approved, your $25 advance payment will be credited to the adoption fee at the time of adoption.

When animals are available at your preferred location, you will receive a letter that will provide the telephone number of the appropriate BLM office to contact to make final arrangements for selecting and adopting your animal.

We appreciate your enthusiasm and support for the Adopt-A-Horse/Burro Program. Please refer to your applicant identification number in any correspondence. If you need more information, we suggest you contact (State Office of jurisdiction, address).

Sincerely,

Service Center Director

IMPORTANT NOTE: You must present this letter to the adoption center staff when you adopt your animal to receive credit for your advance payment.

POWER OF ATTORNEY

State of _____:
County of _____:

I, _____, of _____, City of _____, County of _____, State of _____, make, constitute, and appoint _____, of _____, City of _____, County of _____, State of _____, my attorney in fact for me and on my behalf, and for my use and benefits:

1. To exercise or perform any act, power, duty, right or obligation whatsoever that I now have, or may hereafter acquire, arising from, or relating to the adoption of a wild horse or burro under the Adopt-A-Horse/Burro Program of the Bureau of Land Management under the Act of December 15, 1971, 16 U.S.C. §1331, et seq., as amended; and, applicable regulations found in 43 CFR 4700.

2. To select, choose, pick, receive, and hold and possess a wild horse or burro for me and in my stead, and deliver to me, on my behalf, and in my name, a wild horse or burro so selected.

3. To conduct, engage in, and transact, any and all shipments of said wild horse or burro, in my behalf, and in my name.

4. I grant every proper power necessary to carry out the purposes for which this power is granted, including the signing of the Private Maintenance and Care Agreement between myself and the Bureau of Land Management, with full power of substitution and revocation, hereby ratifying and affirming that which _____ or his substitute shall lawfully do or cause to be done to himself or his substitute lawfully designated by virtue of the power herein conferred upon him.

5. This instrument is to be construed and interpreted as a general power of attorney. The enumeration of specific items, rights, acts, or powers herein is not intended to, nor does it, limit or restrict, and is not to be construed or interpreted as limiting or restricting, the general powers herein granted to said attorney in fact.

6. The rights, powers, and authority of said attorney in fact herein granted shall commence and be in full force and effect on _____, 19__, and such rights, powers, and attorney shall remain in full force and effect thereafter until _____.

7. I understand that granting this power of attorney in no way relieves me of my primary responsibility to care for any adopted wild horses and burros in accordance with the Private Maintenance and Care Agreement and all applicable laws and regulations.

Dated _____, 19__.

_____

On this _____ day of _____, 19__, personally appeared before me _____, to me known to be the individual, or individuals, described in and who executed the within and foregoing instrument, and acknowledge that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

_____
Notary Public in and for the
State of
Residing at
My commission expires

Illustration 10-1

Power of Attorney Adoption Procedures Checklist

Name and address of individual holding powers of attorney:

_____

_____

_____

Home phone: ( ) _____ Business phone: ( ) _____

Requested adoption date: _____ Preferred center: _____

Power of Attorney Approval Requirements (VI.E.3.b.(2))*

[ ] Summary received of number, age, and sex of animals requested by species
[ ] Preferred adoption date and center location identified
[ ] List of names and telephone numbers of applicants involved received
[ ] Animal transportation plan submitted
[ ] Approved [ ] Disapproved

If more than five animals to be maintained at one location:
[ ] Summary of maintenance arrangements received (VI.E.3.b.(2))
[ ] Supporting certification of adequacy of facilities received (VI.E.2.e.)

Adoption Application Approval Requirements

[ ] Completed adoption applicant received from each applicant
[ ] Completed power of attorney received from each applicant (VI.E.3.b.(2))
[ ] Telephone interview conducted with each applicant (VI.E.3.b. & VI.E.3.b.(2))
[ ] Adoption qualifications evaluated for each applicant (VI.E.2.)

If more than four animals to be adopted or maintained at one location:
[ ] Written statement regarding employment/reasons for adoption received from each applicant (VI.E.2.e.(3))

Number of applicants approved for adoption:

_____ applicants requesting _____ wild horses, _____ wild burros

Power of attorney adoption [ ] approved [ ] disapproved (attach explanation)

_____ _____
BLM Authorized Officer Date

Adoption Arrangements

Availability of requested animals at preferred location [ ] confirmed
[ ] denied and rescheduled on _____ (VI.E.3.b.(2))

Post-Adoption Followup

[ ] Telephone contact with each adopter completed (VI.F.5.b.)
[ ] If more than 25 animals adopted by one individual or more than 24 animals maintained at one location, on-the-ground compliance check completed (VII.D.3.a.)

---

* References apply to Instruction Memorandum No. 83-289, Change 2

Power of Attorney Adoption Applicant Log

Applicant Name & ID #	Application Received	POA Received	Qualifications Evaluated	Interview Completed	Statement Submitted*	Application Approved	Application Disapproved	Post-adoption Verification Completed	Compliance Check Completed**

* Enter N/A if fewer than 5 animals to be adopted or maintained.
** Enter N/A if fewer than 25 animals adopted or maintained.

Illustration 10-2

Enclosure 1-97
Revised August 1983

Illustration 11

AVAILABILITY LETTER (HORSES)

Applicant I.D.:

Dear Applicant:

Wild horses are now available for adoption through the Bureau of Land Management's Adopt-A-Horse/Burro Program. If you are still interested in adopting a wild horse, you should telephone the following office within 7 days:

The following fee is charged to partially reimburse adoption program costs. Your $25 advance payment will be credited to the adoption fee.

When you telephone the above office, any questions you may have will be answered, and you will be advised how to arrange an appointment to select and adopt your animal. Animals are selected on a first come, first served basis, so we encourage you to make an early appointment.

If you are no longer interested in obtaining a wild horse, please notify the Bureau of Land Management (D-472), Denver Service Center, Post Office Box 25047, Denver, Colorado 80225), and we will remove your name from our application list.

Sincerely,

Service Center Director

*This fee includes all adoption and transportation charges. No adoption fee or transportation costs are charged for an unweaned foal under the age of 6 months accompanying its mother.

Illustration 12

AVAILABILITY LETTER (BURROS)

Applicant I.D.:

Dear Applicant:

Wild burros are now available for adoption through the Bureau of Land Management's Adopt-A-Horse/Burro Program. If you are still interested in adopting a wild burro, you should telephone the following office within 7 days:

The following fee is charged to partially reimburse adoption program costs. Your $25 advance payment will be credited to the adoption fee.

When you telephone the above office, any questions you may have will be answered, and you will be advised how to arrange an appointment to select and adopt your animal. Animals are selected on a first come, first served basis, so we encourage you to make an early appointment.

If you are no longer interested in obtaining a wild burro, please notify the Bureau of Land Management (D-472), Denver Service Center, Post Office Box 25047, Denver, Colorado 80225, and we will remove your name from our application list.

Sincerely,

Service Center Director

*This fee includes all adoption and transportation charges. No adoption fee or transportation costs are charged for an unweaned foal under the age of 6 months accompaying its mother.

FORM 1370-35
(MAY 1979)

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

COLLECTION DATA SHEET

BILLEE OR PAYER: Unbilled

IN/OUT GOV'T: 0 (0 OR 1)

STATE YA OFFICE 900

COMMON DATA ON ALL CARDS:

	COLLECTION	BILL
DOC. DATE	9/1/82	
DOC. TYPE	DT	

	COLLECTION	BILL
DOC. NO.	123456	
BLOCK NO.		
TRANS CODE		

FUND SYMBOL					GENERAL LEDGER	OTHER AGENCY STATION SYMBOL NO.	GEOGRAPHIC LOCATION					AMOUNT
DEPT	AGCY	LIM	CLASSIFICATION	SUFFIX			STATE	COUNTY	COMM	OTHER IDENTIFICATION	TYPE LAND	

TYPE OF DOCUMENT CODES

Billing
- EP 1370-1 Bill/Receipt
- GB 1370-27, 38 Grazing Bill/Receipt
- PS 1370-10 Payment Statement
- TS Unmatured Timber Sale Contract
- TF SF 1361 Vou. & Sch. of Withdrawals & Credits

Collection
- DT SF 215 Deposit Ticket
- DV TF 5504 Debit Voucher
- TF SF 5081 Vou. & Sch. of Withdrawals & Credits

General
- JV SF 1017G Journal Voucher

TRANSACTION CODES

Billing
- 12 Copy Fees
- 13 BLM Revenue or Suspense
- 16 Revenue from Timber Sale Contract
- 19 For Other Agencies

Collection
- 30 Previously Billed - BLM
- 35 Previously Billed - For Other Agencies
- 34 Not Billed - BLM
- 37 Not Billed - For Other Agencies

General
- 93 Unmatured Timber Sale Contract

APPROPRIATED GENERAL & SPECIAL FUNDS; TRUST, DEPOSIT & CLEARING ACCOUNT FUNDS BLM MANUAL, SECTION 1321.

GENERAL LEDGER	AVAIL YEAR	ACTIVITY	COMPONENT JOB CODE	PROJECT	OBJECT CLASS	AMOUNT
	41	5120				1000.00

Enclosure 1-193

Illustration 13

Illustration 14-1

Form 4710–9
(October 1982)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

PRIVATE MAINTENANCE AND CARE AGREEMENT FOR WILD HORSES AND BURROS

NOTE

THIS IS A LEGAL CONTRACT RETAIN WITH OTHER LEGAL RECORDS.

ANIMALS COVERED BY THIS AGREEMENT CANNOT BE TAKEN OUTSIDE THESE UNITED STATES OR ITS TRUST TERRI TORIES.

nf

and the Bureau of Land Management fnr the United States of America for and in consideration of the mutual benefits hereunder, and ir accnrdance with Public Law 92–195, Sec. 3(b), do enter intn this agreement for the maintenance, protection, and the welfare of wild hnrses and burros.

Animals liated belnw have been declared excess and available fnr private maintenance in accordance with 43 CFR 4740.3(a).

ANIMALS ASSIGNED																NOTES
FREEZE MARK NUMBER									SIGNALMENT KEY							
									A	B	C	D	E	F	G	H	I	

ADOPTER INFORMATION		REASSIGNMENT
TELEPHONE NUMBER	Home *(include area code)*	Name and address of previous adopter
	Business *(include area code)*	Driver's license *(number and State)*

TERMS OF THIS AGREEMENT

1. Maintenance, as herein required, shall mean proper care and protection of the animal(s) under humane conditions for their lifetime or so long as this agreement shall remain in force. *"Inhumane treatment"* is defined in *"Prohibited Acts"* on the reverse.
2. No animal may be sold or used in any way for commercial exploitation, nor may an animal be transferred or reassigned to another persnn, except with written approval from an Authorized Officer of the Bureau nf Land Management.
   (a) *Commercial Exploitation* – means using a wild horse or burro adopted under this agreement, because of its characteristics of wildness, for direct or indirect financial gain *(including use as bucking stock)*. Characteristics of wildness include the rebellious and feisty nature of such animal(s) and their defiance of man as exhibited in their undomesticated and untamed state. Uses such as saddle and pack stock or other uses that require domestication of the animal(s) are nnt commercial exploitation of the animal(s) because of their characteristics of wildness.
3. Carcasses may be disposed of in any customary way, except that no payment shall be received by the adnpters for carcasses of animals covered by this agreement.
4. Adopter is responsible for finding a qualified person willing to enter into a new agreement in the event the adopter is no longer willing or able tn maintain the animal(s). Adopters may not recnver costs from persons to whnm their animal(s) are reassigned. After finding a qualified applicant adopter shall contact the proper BLM office of juriadictinn in his/her area for approval and reassignment. *(This procedure is not necessary after a Certificate of Title is issued.)*
5. This agreement shall remain in full force and effect until: (1) the animal(s) die; (2) this agreement is terminated by an Authorized Officer of BLM, after due notice in writing, because of adopter's default or violation of any of the terms or provisions of this agreement; (3) the animal(s) are reassigned by the BLM as provided in Item four (4) above; or (4) after one (1) year of humane care and application by the adopter and BLM approval a Certificate of Title to the above animal(s) has been issued b an Authorized Officer of the BLM.
6. Adopter *must* not brand or permanently mark animals include in this agreement.
7. Adopter *must* submit the following information to *(fill i adopter's BLM State Office of jurisdiction)*:

   (a) Notice of serious animal health problems such as an acci dental injury or contagious disease;
   (b) Notice of intent to destroy an animal, unless the situatior is an emergency illness or injury;
   (c) Notice of an animal's death, within seven (7) days, includin a veterinarian's written statement of the apparent cause o death;
   (d) Notice of address change within thirty (30) days.
8. Adopter agrees to allow authorized BLM personnel, or thei representatives, to inspect the animal(s) at any time or place after assignment. If an Authorized Officer or his/her repre sentative desires to have the animal(s) gathered by the adopte at a convenient place for any reason, the adopter will be nntified and an appointment set up.
9. The agreement covers only the animal(s) listed above. Any foals born after the adoption of the above animal(s) are the property of the adopter.
10. Applicants are limited to adopting no more than four (4) animal per year, under normal circumstances.
11. Adopter agrees to abide by the *"Prohibited Acts"* listed on the reverse.

THE UNITED STATES OF AMERICA

I have read and understand the terms and conditions of this Private Maintenance and Care Agreement, and agree to comply with them.

State of _____

District _____

By _____

(Signature of Adopter)

(Signature of Authorized Officer)

(Date)

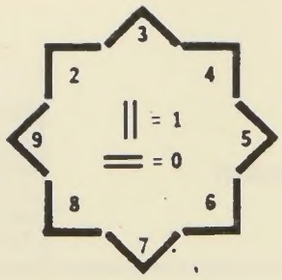
(Date)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representatinns as to any matter within its jurisdiction.

Warning: *Any person who willfully violates any regulation under 43 CFR 4700, which provides for the protection of wild horses and burros may be subject to a fine of not more than $2,000 or imprisonment for not more than one year or both.*

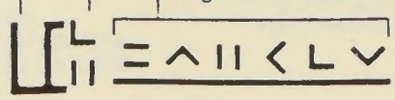
(Instructions on reverse of Adopter's copy)

OFFICE OF [illegible]



Indicates Registering Organization
Year of Birth (top to bottom)
Registration Number

Example:



81031987

Instruction: Read each angle to determine freeze mark number. Write all eight numbers across as 81031987, and enter on front of form under freeze mark number.

INSTRUCTIONS FOR FILLING IN SIGNALMENT KEY

SPECIES A		SEX B		NUMBER OF FACE WHORLS (A_2) C		LEGS	OFF FORE D	OFF HIND E	NEAR FORE F	NEAR HIND G	FACE H		COLOR I	
Horse	2	Gelding	1	One	1	No white	0	0	0	0	No white	0	Black, brown bay, sorrel, or chestnut	1
Burro	4	Female	2	Two	2	White not over top of fetlock	1	1	1	1	Top only	1	Roans, red or blue, grey, white	2
Hybrid	8	Male	3	Three	3	White not over top of knee or hock	2	2	2	2	Middle only	2	Buckskin, dun, grulla, palomino	3
				Four	4	White above hock or knee	3	3	3	3	Lower only	3	Appaloosa, paint, pinto, other	4
											Top and middle	4		
											Top and lower	5		
											Middle and lower	6		
											All three	7		

PROHIBITED ACTS

In accordance with Section 8 of the Act (16 U.S.C. 1338), any person who:

(a) Willfully removes or attempts to remove a wild horse or burro from the public lands, without authority from the Authorized Officer, or

(b) Converts a wild horse or burro to private use, without authority from the Authorized Officer, or

(c) Maliciously causes the death or harassment of any wild horse or burro, or

(d) Processes or permits to be processed into commercial products the remains of a wild horse or burro, or

(e) Sells, directly or indirectly, a wild horse or burro, or the remains thereof, which have not lost their status as a wild horse or burro, or

(f) Uses a wild horse or burro for commercial exploitation, or

(g) Causes or is responsible for the inhumane treatment of a wild horse or burro *(Inhumane treatment means causing physical stress to an animal through any harmful action or omission that is not compatible with standard animal husbandry practices; causing or allowing an animal to suffer from a lack of necessary food, water, or shelter; using any equipment, apparatus, or technique during transportation, domestication or handling that causes undue injury to an animal; or failing to treat or care for a sick or injured animal.)*, or

(h) Uses a wild horse or burro for bucking stock, or

(i) Fails, upon written notice, to produce for inspection by an Authorized Officer those animals assigned to him under a Private Maintenance and Care Agreement, or

(j) Fails to notify the Authorized Officer of the death of a wil horse or burro within seven (7) days of death pursuant to Sectic 4740.4–2(f) of this title, or

(k) Removes or attempts to remove, alters or destroys any officia mark identifying a wild horse or burro, or its re ains, or

(l) Being the adopter of a wild horse or burro, or having charge custody of the animal, abandons the animal without making arrange ments for necessary food, water and shelter, or

(m) Being the adopter of a wild horse or burro, or having charge custody of the animal, fails to diligently pursue in an attempt capture the escaped animal, or

(n) Accepts for slaughter or destruction a horse or burro bearin an official Bureau of Land Management identification mark, an which is not accompanied by a certificate that title to the anima has been transferred, or

(o) After acceptance of an animal for slaughter or destructior fails to retain for one year the Certificate of Title to a wild horse burro bearing an official BLM identification mark, or

(p) Willfully violates any provisions of the regulations und Group 4700, shall be subject to a fine of not more than $2,000 imprisonment for not more than one (1) year, or both. Any perso so charged with such violation by the Authorized Officer may b tried and sentenced by a U.S. commissioner or magistrate, desi nated for that purpose by the court by which he was appointed, the same manner and subject to the same conditions as provided Section 3401, Title 18, U.S.C.

NOTICE

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this agreement.

AUTHORITY: 16 U.S.C. 1333

PRINCIPAL PURPOSE: The information is to be used to authorize your agreement for private maintenance of wild horses or burros.

ROUTINE USES: (1) Documentation of the adopter's right to privately maintain wild horses and burros. (2) Documentation public information. (3) Information from the record and or the reco will be transferred to appropriate Federal, State, or local agencie when relevant to civil, criminal, or regulatory investigations prosecutions.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure the information is voluntary. If all the information is not provide this agreement may not be authorized.

NOTE: If your driver's license and Social Security number are identical, disclosure of the driver's license number is voluntary. Failure to disclose your license number in this case will not result in the disapproval of this Agreement.

This form does not constitute an information collection as defined by 44 U.S.C. 3502 and therefore does not require OMB approval.

Illustration 15-1

TITLE APPLICATION LETTER

Applicant I.D.:

Dear Wild Horse or Burro Adopter:

Bureau of Land Management (BLM) records show that at least 1 year ago you adopted a wild horse or burro with the freeze mark(s) and signalment key description(s) listed below. Under the provisions of the Wild Free-Roaming Horse and Burro Act, as amended, you are now eligible to apply for title of ownership to the animal(s).

If you wish to apply for title, please complete the enclosed application after reading carefully the back of the form and the following instructions:

-- Use the adoption agreement (Form 4710-9) that you signed when you adopted the animal(s) to complete item 4 of the application.

-- If you need assistance in completing the application, please contact the BLM office of jurisdiction for your State (see the enclosed list).

-- When your veterinarian has completed the lower portion of the form and you have completed items 1 through 6, mail your application to the BLM office of jurisdiction for your State.

If your application is approved, a certificate of title for the animal(s) will be issued to you. Your BLM office will contact you if there are any questions about your application.

Sincerely,

Service Center Director

Freeze Mark	Signalment Key
XXXXXXXXXXX	XXXXXXXXXXXXXX

Enclosures: Title Application
List of BLM Offices

Illustration 15-2

BUREAU OF LAND MANAGEMENT OFFICES

ALASKA:
701 C Street, Box 13
Anchorage, Alaska 99513
(907) 271-5069

ARIZONA:
2400 Valley Bank Center
Phoenix, Arizona 85073
(602) 261-4332

CALIFORNIA:
Federal Building, Room E-2841
2800 Cottage Way
Sacramento, California 95825
(916) 484-4541

COLORADO AND KANSAS:
1037 20th Street
Denver, Colorado 80202
(303) 837-3264

STATES EAST OF MISSISSIPPI RIVER,
PLUS IOWA, MINNESOTA, MISSOURI,
ARKANSAS, AND LOUISIANA:
Eastern States Office
350 South Pickett Street
Alexandria, Virginia 22304
(703) 235-2871

IDAHO:
3380 Americana Terrace
Boise, Idaho 83706
(208) 334-1482

MONTANA, NORTH DAKOTA, SOUTH DAKOTA:
222 North 32nd Street
Post Office Box 30157
Billings, Montana 59107
(406) 657-6655

NEVADA:
Palomino Valley Adoption Center
Post Office Box 3270
Sparks, Nevada 89431
(702) 329-7219

NEW MEXICO, OKLAHOMA, AND TEXAS:
Joseph M. Montoya Federal Building
South Federal Place
Post Office Box 1449
Santa Fe, New Mexico 87501
(505) 988-6231

OREGON:
74 South Alvord Street
Burns, Oregon 97720
(503) 573-2071

UTAH:
University Club Building
136 East South Temple
Salt Lake City, Utah 84111
(801) 524-4033

WASHINGTON:
East 4217 Main Avenue
Spokane, Washington 99202
(509) 456-2570

WYOMING AND NEBRASKA:
Highway 187 North
Post Office Box 1869
Rock Springs, Wyoming 82901
(307) 382-5350

Form 4710–11
(July 1982)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004–0046
Expires: April 30, 1985

APPLICATION FOR TITLE TO WILD HORSE(S) AND BURRO(S)

Act of December 15, 1971 P.L. 92–195, as amended, by P.L. 95–514

1. Name
Address
City
State
Zip
Code

2. Note: Use this area if home or business telephone number has changed (*include area code*)

3. Enter below any changes in name and address

NAME LAST | FIRST | M.I.

STREET/BOX AND ROUTE

CITY | STATE | ZIP CODE

4. Description of animals received through Cooperative Agreement and for which title is requested. *(Copy exactly from your* Cooperative Agreement *(Form 4710–9).)*

ANIMALS ASSIGNED	FREEZE MARK NUMBER	SIGNALMENT KEY								
		A	B	C	D	E	F	G	H	I
A.										
B.										
C.										
D.										

5. The wild horses/burros were originally obtained for adoption from *(City and State)*

6. I CERTIFY That I am of legal age in my State of residence. I hereby apply for ownership *(title)* of the animal(s) identified above. I have provided each animal with proper care and treatment for no less than one year.

Signature of Applicant | Date

Title 18 U.S.C., Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representation as to any matter within its jurisdiction.

QUALIFIED OFFICIAL'S CERTIFICATION

I, *(please print or type)* , am qualified by education, training and/or experience to assess the physical condition of horses and burros. I CERTIFY that I have examined the animal(s) described above. The animal(s) is/are in good health and is/are receiving proper care and treatment. *(If otherwise, please explain below.)*

Signature and Title | Date

Address *(include zip code)* | Telephone *(include area code)*

Title 18 U.S.C., Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representation as to any matter within its jurisdiction.

(Continued on reverse)

QUALIFICATIONS

A person may receive title to as many as four (4) wild horses or burros a year, provided the following qualifications are met:

All applicants must:

- Be of legal age in their State of residence.
- Have had the horses or burros assigned to them by Cooperative Agreement *(Form 4710-9)* for a minimum of twelve (12) months preceding application for title.
- Submit the written certification of a licensed veterinarian attesting, to the best of his/her knowledge, that the adopted animals receive proper care and treatment.
- Not have received title to four (4) animals within the twelve (12) months period preceding this application.

GENERAL INSTRUCTIONS

(Items not listed are self-explanatory)

1. Do Not Modify the name and address on the label. *Please Note:* If the name on the Cooperative Agreement *(Form 4710–9)* is that of a minor, *his/her parent or guardian must apply for title.* Note the appropriate change in name and/or address in Item 3.

4. Description of Animals – Copy the *exact* description or freeze mark and signalment key numbers from the Cooperative Agreement *(Form 4710-9).* If the Agreement is not available, describe each animal's sex, age, color, face and leg markings, and any other distinctive markings *as they appeared at the time of adoption.*

NOTICE

The Privacy Act of 1974 and the regulation in 43 CFR 2.48 (d) provide that you be furnished the following information in connection with information required by this application.

AUTHORITY: 16 U.S.C. 1333

PRINCIPAL PURPOSE: The information is to be used to process your application for title to wild horses and/or burros.

ROUTINE USES: (1) The determination of the applicant's right to obtain title to wild horses and/or burros. (2) Documentation for public information. (3) Information from the record and/or the record will be transferred to appropriate Federal, State, or local agencies, when relevant to civil, criminal or regulatory investigations or prosecutions.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, your application may be rejected.

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.) requires us to inform you that:

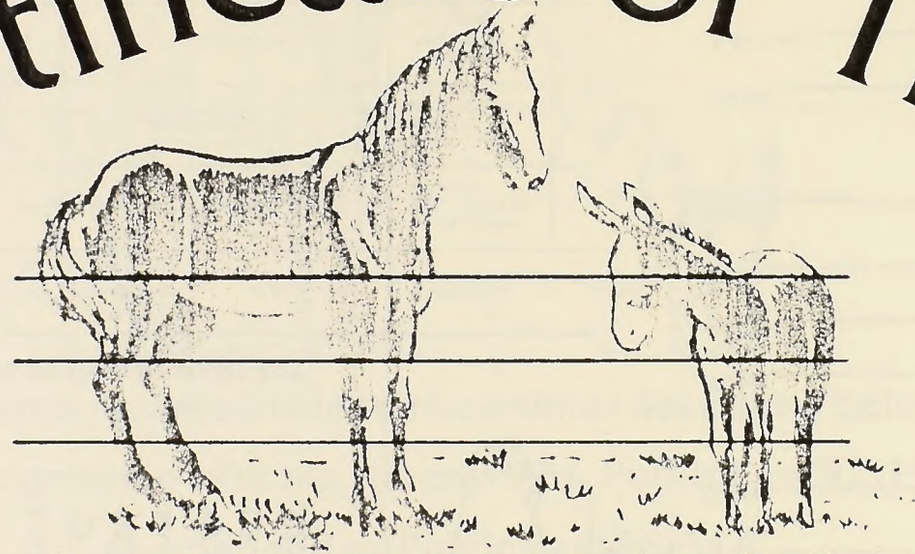
This information is being collected to process your application for title to an adopted wild horse or burro.

This information will he used to determine your eligibility for title to an adopted wild horse or burro.

Response to this request is required to obtain title to an adopted wild horse or burro.

Wild Free-Roaming Horse or Burro

Certificate of Title



is hereby granted title to the animal described below,

in accordance with the Act of 1971, Public Law 92-195,

as amended by Public Law 95-514.

FREEZE MARK NUMBER

SIGNALMENT KEY

Bureau of Land Management

Date

U. S. Department of the Interior Bureau of Land Management

Enclosure 1-111

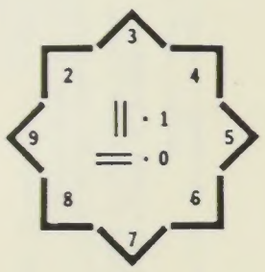
Illustration 17-1

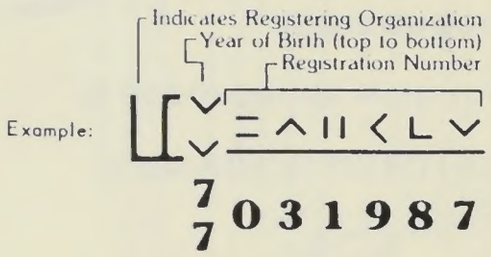
Enclosure 1-112

GENERAL INFORMATION

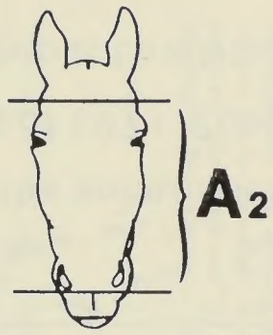
This certificate should be preserved and transferred without charge to any subsequent owner of the animal. Possession and presentation of this Certificate is required to transport or sell this animal.
In states requiring brand inspections, you should obtain a Lifetime Certificate of ownership from your local brand inspector's office.

ALPHA ANGLE CODE FOR FREEZE MARK INTERPRETATION





FACE WHORLS



RECORD ALL TITLE TRANSFERS HERE

Title transferred to:

Name _____

Address _____

City _____

State _____ Zip _____

Name _____

Address _____

City _____

State _____ Zip _____

Name _____

Address _____

City _____

State _____ Zip _____

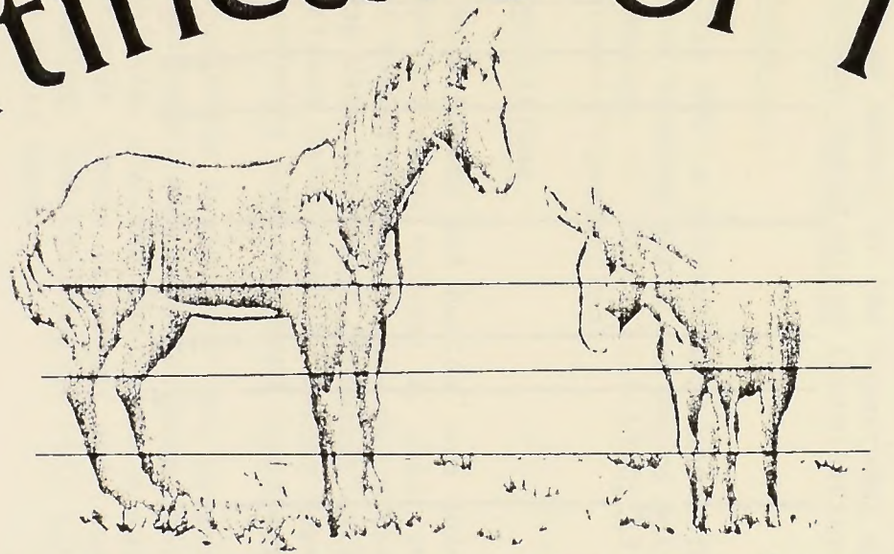
INSTRUCTIONS FOR FILLING IN SIGNALMENT KEY

BREED A		SEX B		FACE WHORLS A_2 ONLY C		LEGS	OFF FORE D	OFF HIND E	NEAR FORE F	NEAR HIND G	FACE H		COLOR I	
Horse	2	Gelding	1	One	A_1	No white	0	0	0	0	No white	0	Black, brown bay, sorrel or chestnut	1
Burro	4	Mare	2	Two	A_2	White not over top of fetlock	1	1	1	1	Top only	1	Roans, red or blue, grey, white	2
Hybrid	8	Stallion	3	Three	A_3	White not over top of knee or hock	2	2	2	2	Middle only	2	Buckskin, dun, grulla, palomino	3
						White above hock or knee	3	3	3	3	Lower only	3	Appaloosa, paint, pinto, other	4
											Top and middle	4		
											Top and lower	5		
											Middle and lower	6		
											All three	7		

Illustration 17-2

Wild Free-Roaming Horse or Burro

Certificate of Title



is hereby granted title to the animal described below,
in accordance with the Act of 1971, Public Law 92-195,
as amended by Public Law 95-514.

DESCRIPTION OF ANIMAL

_____

_____

_____

_____

Bureau of Land Management

_____

Date

U. S. Department of the Interior Bureau of Land Management

Enclosure 1-113

Illustration 18-1

Enclosure 1-114

GENERAL INFORMATION

This certificate should be preserved and transferred without charge to any subsequent owner of the animal. Possession and presentation of this Certificate is required to transport or sell this animal.
In states requiring brand inspections, you should obtain a Lifetime Certificate of ownership from your local brand inspector's office.

RECORD ALL TITLE TRANSFERS HERE

Title transferred to:

Name _____

Address _____

City _____

State _____ Zip _____

Name _____

Address _____

City _____

State _____ Zip _____

Name _____

Address _____

City _____

State _____ Zip _____

Illustration 18-2

MEMORANDUM OF UNDERSTANDING

BETWEEN

BUREAU OF LAND MANAGEMENT

AND

(HUMANE ORGANIZATION)

This Memorandum of Understanding (MOU) is between the Director, Bureau of Land Management (hereinafter referred to as the Bureau), as an agency of the Department of the Interior, and the Officer, Humane Organization (hereinafter referred to as _____).

Authority

This MOU is entered into under the authority contained in the Wild Free-Roaming Horse and Burro Act of 1971, Public Law 92-195, as amended, 16 U.S.C. 1331-1340; 43 CFR 4710.3; and (authority of the Humane Organization).

Definitions

"Wild horses and burros" are animals as defined in 43 CFR 4700.0-5(b), updated as of October 1, 1981, that have been placed in the custody of qualified applicants under the terms of the Private Maintenance and Care Agreement (formerly entitled Cooperative Agreement for Private Maintenance), Bureau Form 4710-9, and for which titles of ownership have not been transferred from the Federal Government.

"Qualified applicants" are persons of legal age in their States of residence, who have not been convicted of inhumane treatment to animals, and who the Bureau's authorized officers believe will provide humane treatment and care, including proper transportation, feeding, and handling of wild horses and burros that may be assigned to their care.

"Adopters" are qualified applicants who enter into a Private Maintenance and Care Agreement, Bureau Form 4710-9, and receive custody of wild horses and burros under the terms of the agreement.

"Authorized officers" are employees of the Bureau of Land Management to whom has been delegated the authority to perform the duties described herein.

"Adopt-A-Horse/Burro Program" is that custodial arrangement for wild horses and burros described in 43 CFR 4740.4-2, updated as of October 1, 1981.

Purpose

The Bureau authorizes Humane Organization to assist in monitoring the care and treatment of wild horses and burros by adopters nationwide and to assist in taking appropriate action to correct problems in accordance with the provisions of this MOU.

Responsibilities and Procedures

The Bureau is responsible for placing wild horses and burros in the custody of qualified applicants under the Adopt-A-Horse/Burro Program.

The Bureau is responsible for the protection of wild horses and burros from malicious harassment, commercial exploitation, and inhumane treatment as described in 43 CFR 4700.0-5, updated as of October 1, 1981, until titles of ownership are granted to adopters.

Humane Organization is responsible for ensuring that (statement of organization's responsibilities as they pertain to humane treatment of animals).

The Bureau will provide Humane Organization with its qualifying standards for proper maintenance, care, and transport of wild horses and burros; the terms of adoption; and the instructions for freeze mark identification and interpretation.

The Bureau will provide the names, addresses, and telephone numbers of its authorized officers responsible for the adoption program and their geographic jurisdictions.

Upon request by Humane Organization officials, the Bureau will provide a current listing by State of the names, addresses, and telephone numbers of adopters and the freeze mark numbers of the animals assigned to them.

The Bureau's authorized officer for the jurisdiction involved will begin a review to determine necessary action within ten working days of receipt of reports filed by Humane Organization of alleged improper treatment or use of adopted wild horses and burros under applicable Federal law and regulations and take appropriate actions to resolve the problems.

The Bureau authorized officer will provide a written report summarizing the actions taken to Humane Organization.

Humane Organization will provide the names, addresses, and telephone numbers of its officials and their geographic areas of jurisdiction.

Humane Organization will have qualified employees, as their workload and funds permit, assess the facilities and care provided to adopted wild horses and burros by on-the-ground inspections, if agreeable to the adopters involved.

Humane Organization will provide written reports summarizing the results of the on-the-ground inspections and suggesting additional actions that may be necessary to the Bureau authorized officer for the jurisdiction involved.

Humane Organization will work with the State or local government animal control official having statutory authority for that jurisdiction when legal action is deemed necessary to protect the health and welfare of a wild horse or burro.

Humane Organization will assist the Bureau authorized officer of jurisdiction in obtaining prosecution under Federal law or State or local law where warranted for cases of abuse or other violations of law or regulation.

The Bureau authorized officer of jurisdiction must approve in advance specific actions to be taken and specific costs that may be incurred on behalf of the Bureau by Humane Organization to remedy problems concerning the care and treatment provided by an adopter of wild horses and burros.

Services provided by Humane Organization will be at no cost to the Bureau with the exception that the Bureau authorized officer of jursidiction may authorize reimbursement to Humane Organization for reasonable expenses limited to:

1. Costs for humane destruction and disposal of carcasses for acts of mercy to wild horses and burros;

2. Costs for transporting and boarding temporarily wild horses and burros that must be removed from adopters' custody;

3. Costs for necessary medical care and treatment required by wild horses and burros removed from adopters' custody; and

4. Costs for travel and perdiem by an official of Humane Organization to appear as a witness in abuse cases being prosecuted under Federal law.

Liabilities

Each party agrees that it is responsible only for its own acts and their results growing out of this MOU. Each party agrees that it will assume all risk and liability to itself, its agents or employees for any injury to persons or properties, and any loss, cost, or damage resulting from any act or acts, negligence, or failure to exercise proper precautions, by its employees or agents under this MOU.

Review, Modification, and Termination Procedures

This MOU becomes effective upon the date both parties have signed their consent below. This MOU will be reviewed annually in a joint meeting and will remain in effect for 5 calendar years. Either party may request modification of the MOU by 30 days' written notice to the other party. Upon consent of both parties, the modification will become effective and incorporated into this MOU. Either party may terminate the agreement by 30 days' written notice to the other party.

In witness whereof, the parties hereto have executed this MOU as of the date below:

Director, Bureau of Land Management	Official, Humane Organization
Date:	Date:

FORMAT FOR ADOPTER COMPLIANCE INSPECTION REPORT

Section 1. PRIVATE MAINTENANCE AGREEMENT SUMMARY

Adopter's Full Name and Mailing Address: Telephone Number:

_____ _____

_____

_____

Location Where Animals Maintained (if different from above):

_____

_____

Agreement Date: Issued by (BLM Office):

_____ _____

Animals Assigned (continue on back if necessary):
List Freeze Mark-Signalment Key OR Physical Description

1.

2.

3.

4.

Section 2. INSPECTION RESULTS

A. Animals (describe condition, problems for each animal examined):

General appearance

Alertness

Signs of Abuse, Neglect, or Injury

B. Facilities (describe condition, problems):

Feed

Water

Shelter

Fencing

Drainage, Sanitation

Section 3. FOLLOWUP ACTIONS (if required)

A. Private Maintenance Agreement Changes, Corrections:

B. Animal Care Changes:

C. Facility Improvements:

D. Followup Inspection Date:

Section 4. INSPECTION SUMMARY, REMARKS

Inspection conducted by: _____
Name

_____
Title

Inspection date: _____

FORMAT FOR NOTICE FOR CORRECTIVE ACTION

Certified Mail
Returned Receipt Requested

Name of Adopter
Address
City, State Zip Code

Dear

On (date), (name of compliance personnel) inspected your adopted animal(s) and facilities. During the inspection the following problems were found:

(be specific in identifying each animal involved by physical description and freeze mark number, or the facility deficiency)

To resolve these problems, you agreed to do the following by (date) after which another inspection will be made:

(state the specific action or condition that will be acceptable to resolve the problems identified)

Failure to correct the problems can result in repossession of your assigned animal(s) by the Bureau of Land Management. If you have any questions about the required corrective actions, please contact me by telephone (telephone number). We hope you are successful in correcting the problems as agreed.

Sincerely,

District Manager

FORMAT FOR DECISION TO REPOSSESS IN THIRTY DAYS

Certified Mail
Return Receipt Requested

Name of Adopter
Address
City, State Zip Code

Dear

Cooperative Agreement (or Private Maintenance and Care Agreement), Form 4710-9, signed by you on (date) requires that you properly care for and maintain the following adopted wild horse(s) and/or wild burro(s):

(list freeze mark number and/or physical description)

Because you failed to (cite specific violation or problem), the Bureau of Land Management must take possession of the above animal(s) for its/their protection and well-being. Authorization for this action is Wild Free-Roaming Horse and Burro Regulation 43 CFR 4740.4-2(e).

This letter serves as my decision to cancel your Cooperative Agreement (or Private Maintenance and Care Agreement) and to take possession of the animal(s) effective 30 days from this date. You may voluntarily terminate the agreement by signing and dating the attached statement and returning it in the enclosed, self-addressed envelope. We will contact you to make arrangements for picking up the animal(s) upon receipt of your termination request or at the expiration of 30 days.

You have the right to appeal this decision. Information on appeal procedures is attached. If you wish to appeal, you must notify the Interior Board of Land Appeals, Office of Hearings and Appeal, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 30 days of receipt of this letter. If you appeal, the animal(s) will remain in your possession until the case is resolved.

If you have any questions about these procedures, you may contact me at (telephone number).

Sincerely,

District Manager

Attachments

REQUEST TO TERMINATE COOPERATIVE (OR PRIVATE MAINTENANCE AND CARE) AGREEMENT
(To be filled out by BLM)

I, _____, of street address _____,

city, State, zip code _____, hereby request that the Cooperative (or Private Maintenance and Care) Agreement dated ( ) with the Bureau of Land Management for the proper care and maintenance of the following adopted wild horse(s) and/or burro(s) be terminated and that the animal(s) be removed from my possession:

(list each animal by freeze mark and/or physical description)

Signed: _____

Date: _____

Form 1842–1
(December 1980)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Illustration 24-1

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL . . . . Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Sec. 4.411). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE NOTICE OF APPEAL . . .

3. STATEMENT OF REASONS . . Within 30 days after filing the *Notice of Appeal,* file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior. Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203 (see 43 CFR Sec. 4.412). If you fully stated your reasons for appealing when filing the *Notice of Appeal,* no additional statement is necessary.

4. ADVERSE PARTIES . . . . Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO–100) or if the subject matter of the appeals involves mineral activities on the Outer Continental Shelf.

5. PROOF OF SERVICE . . . . Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: *A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))*

SUBPART 1821.2--OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 *Office hours of State Offices.* (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10 a.m. to 4 p.m., standard time or daylight saving time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted t be filed under the regulations of this chapter, which i received in the State Office or the Washington Office either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, o decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

GPO 850-997

FORMAT FOR FULL FORCE AND EFFECT DECISION TO REPOSSESS

(To be hand-carried and presented in person to adopter.)

Name of Adopter
Address
City, State Zip Code

Dear

You have failed to provide proper care and humane treatment of the following wild horse(s) and/or wild burro(s) assigned to you by Cooperative (or Private Maintenance and Care) Agreement (Form 4710-9), dated ( ):

(list freeze mark and/or physical description)

Because you have failed to (cite exact violation or problem), it is necessary for the protection and well-being of the above animal(s) that the Bureau of Land Management take immediate possession of it/them. Authority for this action is Wild Free-Roaming Horse and Burro Regulation 43 CFR 4740.4-2(e). This decision is placed in full force and effect this date.

You have the right to appeal this decision; however, the animal(s) will be removed from your possession immediately. If you wish to appeal, you must notify the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 30 days of the date of this letter. Information on appeal procedures is attached.

You may voluntarily terminate the Cooperative (or Private Maintenance and Care) Agreement by signing and dating the attached statement.

Sincerely,

District Manager

Attachments

Bureau of Land Management
Library
Bldg. 50, Denver Federal Center
Denver, CO 80225

ER'S CARD

horse and burro program

	OFFICE	DATE RETURNED
/mdi /796-6405	D-553	
	CA-061	AUG 17 '87

(Continued on reverse)